



भारत का राजपत्र

The Gazette of India

प्रारंभिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 23]

No. 23]

मई दिल्ली, शनिवार, जून 4, 1983/झेष्ठ 14, 1905

NEW DELHI, SATURDAY, JUNE 4, 1983/JYAISTHA 14, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है किससे विचारण संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय की छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और प्रधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

गृह मंत्रालय

मई दिल्ली, 20 मई, 1983

का० आ० 2404.—आन्ध्र प्रदेश प्रशासनिक अधिकरण आदेश, 1975 (मा० का०नि० 285(ई), ता० 19 मई, 1975) के पैरा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति, अपम के राज्यपाल के भूतपूर्व सलाहकार थी बी० नटराजन, आई० ए० एस० (उद्दीप्ता : 1951) को, अपने पद का कार्यभार ग्रहण करने की तारीख से, आन्ध्र प्रदेश प्रशासनिक अधिकरण का सदस्य नियुक्त करते हैं।

[पफ० मं० 21013/3/82-एस०आर०]
एच० बी० गोप्तवामी, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 20th May, 1983

S.O. 2404.—In exercise of the powers conferred by paragraph 3 of the Andhra Pradesh Administrative Tribunal Order, 1975 (G.S.R. 285(E), dated the 19th May, 1975) the President is pleased to appoint Shri V. Natarajan, IAS (Orissa : 1951), formerly Adviser to the Governor, Assam as Member of the Andhra Pradesh Administrative Tribunal with effect from the date he takes over charge of office.

[F. No. 21013/3/82-SR]
H. V. GOSWAMI, Jt. Secy.

(कार्मिक और प्रशासनिक सुधार विभाग)

सुद्धि-पद

मई दिल्ली, 18 मई, 1983

का०आ० 2405.—दिनांक 2 सितम्बर, 1978 के भारत के राजपत्र के भाग II, खण्ड 3, उप-खण्ड (ii) के पृष्ठ 2335 पर प्रकाशित भारत सरकार, गृह मंत्रालय (कार्मिक और प्रशासनिक सुधार विभाग) की दिनांक 18 अगस्त, 1978 की

अधिसूचना संख्या का० आ० 2464 में निम्नलिखित व्याख्यातमक जापन जोड़ा जाए, अर्थात् :—

व्याख्यातमक जापन

1. केन्द्रीय मिलिन सेवा (वर्गीकरण, नियन्त्रण और अपील) नियम, 1965, तदनन्तर 1973 में संशोधन, की अनुमूली के भाग 5 में उन अधिकारियों को मूची दी गई है, जिनमें नियुक्ति प्राधिकारी की शक्तियां निहित हैं तथा जो रक्षा सेवाओं में कार्यरत सिविलियन व्यक्तियों पर शास्त्रिय अधिरोपित करने के लिए सक्रम प्राधिकारी हैं।

2. यह स्पष्ट किया जाता है कि सन् 1971 में इसके विभाजन से पूर्व, कमांडेंट इन्फैन्ट्री स्कूल की कमान मेजर जनरल का दरजा रखने वाले एक अधिकारी के हाथ में होती थी। इन्फैन्ट्री स्कूल और कालेज ऑफ कॉर्बेट के रूप में इसका विभाजन किए जाने पर इन्फैन्ट्री स्कूल का समावेशन प्रिंगेडियर के रैक के अधिकारी द्वारा किया जाता है और कालेज ऑफ कॉर्बेट का कमांडेंट मेजर जनरल के दर्जे का होता है। किन्तु यह प्रतीत होता है कि सन् 1973 में प्रधान नियमों में संशोधन करते समय यह तथ्य ध्यान से भोग्य हो गया था। बास्तव में कालेज ऑफ कॉर्बेट का कमांडेंट (मेजर जनरल के दर्जे का धारक) ही उन शक्तियों का प्रयोग करने का हकदार था और उसने यह अच्छी तरह जानते हुए इन शक्तियों का प्रयोग किया कि इन्फैन्ट्री स्कूल के कमांडेंट का नाम भूल से जोड़ा गया था, क्योंकि पहले वह मेजर जनरल का दर्जा धारण किए हुए था।

3. उपर्युक्त कठिनाई को दूर करने के लिए यह सुझाव दिया गया है कि सन् 1965 के प्रधान नियमों में, जिन्हें बाद में सन् 1973 में संशोधित किया गया था संशोधन जारी किया जाए। इसके आगे यह भी सुझाव दिया गया है कि उक्त संशोधन को सन् 1973 से भूतलक्षी प्रभाव दिया जाए, क्योंकि ऐसा करने से सन् 1965 के प्रधान नियमों के उपर्युक्तों के अनुमार कालेज ऑफ कॉर्बेट के कमांडेंट द्वारा की गई नियुक्तियां और किसी सिविलियन कर्मचारी पर उनके द्वारा अधिरोपित कोई शास्त्रिय स्वतः हो नियमित हो जाएंगी।

4. यह प्रमाणित किया जाता है कि केन्द्रीय मिलिन सेवा (वर्गीकरण, नियन्त्रण और अपील) नियम, 1965 में उपर्युक्त संशोधन को भूतलक्षी प्रभाव देने से कालेज ऑफ कॉर्बेट के किसी व्यक्ति पर प्रभाव नहीं पड़ेगा।

[सं० 11012/15/77 स्था० (क)]
एम० त्रिखा, उप सचिव

(Department of Personnel & Administrative Reforms)

CORRIGENDUM

New Delhi, the 18th May, 1983

S.O. 2405.—To the Notification of the Government of India in the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) No. S.O. 2464, dated the 18th August, 1978, published at page 2335 in Part II,

Section 3 Sub-section (ii) of the Gazette of India, dated the 2nd September, 1978, add the following Explanatory Memorandum, namely:—

EXPLANATORY MEMORANDUM

1. Part V in the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1965 as amended subsequently in 1973, gives the list of officers who are vested with powers of Appointing Authority and Authority competent to impose penalties on Civilians serving in Defence Services.

2. It may be clarified that prior to its bifurcation during 1971, the Commandant Infantry School was commanded by an officer holding the rank of Major General. On its bifurcation into the Infantry School and the College of Combat, the Infantry School has been commanded by an officer of the rank of Brigadier and the Commandant, College of Combat holds the rank of Major General. This fact, however appear to have been lost sight of while making the amendment to the Principal Rules in 1973. In fact, it was the Commandant College of Combat (holding the rank of Major General) who was entitled to exercise those powers and he exercised the powers with full knowledge that the name of the Commandant, Infantry School had been inadvertently added because he was previously holding the rank of Major General.

3. To obviate the above difficulty, it has been suggested to issue an amendment to the Principal Rules of 1965, as amended subsequently in 1973. It has further been suggested to give retrospective effect to the amendment from 1973, as it would automatically regularise the appointments made by the Commandant, College of Combat or any penalty imposed by him on any Civilian employee in accordance with the provisions of the Principal Rules of 1965.

4. It is certified that giving retrospective effect to the said amendment to the Central Civil Service (Classification, Control and Appeal) Rules, 1965 would not adversely affect any individual of the College of Combat.

[No. 11012/15/77-Fstt. (A)]
Kum. SURFESH TRIKHA, Dy Secy.

नई दिल्ली, 19 मई, 1983

का० आ० 2406.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के त्वां (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय लेखापरीक्षा और लेखाविभाग में सेवारत व्यक्तियों के सम्बन्ध में, नियंत्रक महालेखापरीक्षक में परामर्श करने के पश्चात् भाधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम साधारण भविष्य निधि (केन्द्रीय सेवा) नीसरा संशोधन नियम, 1983 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रबून हींगे।

2. साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 के नियम 11 के उपनियम (7) के स्थान पर निम्नलिखित उपनियम द्वारा जाग्रा, अर्थात् :—

“(7) यदि यह पाया जाता है कि अधिदाता ने रकम लेने की तारीख को अपने नाम जमा रकम से अधिक रकम निधि में से ली है तो अधिक लेली गई रकम का, इस बात पर दिचार विए बिना कि उधिक ली गई रकम, निधि में से उद्धार के ये रकमा निकालने

या अंतिम सदाय के समय ली गई है, उसके द्वारा प्रतिसंदर्भ उस पर व्याज सहित एकमुश्त किया जाएगा या अधिकतम कम की दशा में, अभिदाता की उपलब्धियों से एकमुश्त कटौती करके वसूली करने का आदेश दिया जाएगा यदि वसूल की जाने वाली कुल रकम अभिदाता की उपलब्धियों के आधे से अधिक है तो उसकी उपलब्धियों के आधे अंश की मासिक किश्तों में तब तक वसूली की जाएगी जब तक कि व्याज सहित कुल रकम वसूल नहीं कर ली जाती है। इस उपनियम के लिए अधिक ली गई रकम पर प्रभारित किए जाने वाले व्याज को दर उपनियम (1) के अधीन भविष्य निधि अंतिमेष पर सामान्य दर से 2 1/2 प्रतिशत अधिक होगी। अधिक ली गई रकम पर वसूल किया गया व्याज सरकारी खाते में "049 व्याज प्राप्तियाँ ग केन्द्रीय सरकार का अन्य व्याज प्राप्तियाँ"—शीर्ष के अधीन खाते जाने वाले 'भविष्य निधि' से अधिक ली गई रकम पर व्याज, मुनिफ उपशीर्ष के अधीन जमा किया जाएगा।"

[मं. 16(3) पेन/79-जी०पी०एफ०]

टिप्पणी : सामान्य भविष्य निधि (केन्द्रीय सेवा) नियम 1960, दिनांक 1-12-1960 के प्रसू ओर 3000 के रूप में प्रकाशित किए गए थे। इन नियमों का तीसरा पुनर्मुद्रण (30-11-1978 तक मंशोधित) सन् 1979 में छपा था। इन नियमों में, बाद और निम्नलिखित अधिसूचनाओं द्वारा मंशोधन किया गया था :—

1. एफ० 13(8) 77-ई०बी०(बी०) दिनांक 13-12-1978
2. एफ० 13(5) 78-ई०बी०(बी०) दिनांक 23-4-1979
3. एफ० 13(11) 78-ई०बी०(बी०) दिनांक 30-5-1979
4. एफ० 13(7) 78 ई०बी०(बी०) दिनांक 18-6-1979
5. एफ० 17(5) ई०बी०(बी०) 78 दिनांक 18-6-1979
6. एफ० 19(15)-पेन/78-जी०पी०एफ० दिनांक 9-8-1979
7. एफ० 9(2)-ई०बी०(बी०)-पेन/78-जी० पी० एफ० दिनांक 13-11-1979
8. एफ० 10(10)-पेन/79-जी०पी०एफ० दिनांक 3-3-1980
9. एफ० 20(22)-ई०बी०(बी०) पेन/79-जी०पी०एफ० 18-4-1980
10. एफ० 13(6)-पेन/ 79-जी० पी० एफ० दिनांक 1980
11. एफ० 16(2)-पेन/79-जी०पी०एफ० दिनांक 12-6-1980
12. एफ० 11(1)-पेन/77-जी०पी०एफ० दिनांक 1-10-1980
13. एफ० 16(3)-पेन/79-जी०पी०एफ० दिनांक 13-10-1980

14. एफ० 10(2)-पेन/81-जी०पी०एफ० दिनांक 21-12-81
15. एफ० 13(1) पेन/82 दिनांक 8-9-1982
16. एफ० 13(3)-पेन/82/जी०पी० एफ० दिनांक 30-4-83
17. एफ० 19(2)-पेन/80/जी०पी०एफ० दिनांक 10-5-83

New Delhi, the 19th May, 1983

S.O. 2406.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of the article 148 of the Constitution, the President after consultation with the Comptroller and Auditor General in relation to the persons serving in the Indian Audit and Accounts Department, hereby making the following rules further to amend the General Provident Fund (Central Service) Rules 1960, namely:—

1. (1) These rules may be called the General Provident Fund (Central Services) Third Amendment Rules, 1983.

(2) They shall come into force on the date of their publication in Official Gazette.

2. In the General Provident Fund (Central Services) Rules, 1960, in rule 11, sub-rule (7), the following sub-rule shall be substituted, namely :—

"(7) In case a subscriber is found to have drawn from the Fund on amount in excess of the amount standing to his credit on the date of the drawal the ever-drawn amount, irrespective of whether the ever-drawal occurred in the course of an advance or a withdrawal or the final payment from the fund, shall be repaid by him with interest thereon, in one lumpsum, or in default, be ordered to be recovered by deduction in one lumpsum from the emoluments of the subscriber. If the total amount to be recovered is more than half of the subscriber's emoluments, recoveries shall be made in monthly instalments of moiety of his emoluments till the entire amount together with interest is recovered. For this sub-rule, the rate of interest to be charged on everdrawn amount would be 2-1/2 per cent over and above the normal rate on Provident Fund balances under sub-rule (i). The interest realised on the everdrawn amount shall be credited to Government account under a distinct sub-head "Interest on overdrafts from Provident Fund" under the head "049-Interest Receipts-C-Other interest receipts of Central Government-other Receipts."

[No. 16(3)-Pension/79-GPF]

Note:—General Provident Fund (Central Services) Rules, 1960 were published as S.O. 3000 dated 1-12-1960. The third reprint (corrected upto 30-11-1978) of the rules was printed in 1979. The rules were subsequently amended vide notification mentioned below:—

1. F.13 (8)/77-EV (B) dated 13-12-78
2. F.13 (5)/78-EV (B) dated 23-4-79
3. F.13 (11)/78-EV (B) dated 30-5-1979
4. F.13 (7)/78-EV (B) dated 18-6-1979
5. F.17 (5)/EV (B)/78 dated 18-6-1979
6. F.19 (15)-Pen/76-GPF dated 9-8-1979
7. F.9 (2)-EV (B)/Pen/78-GPF dated 13-11-1979
8. F.10 (10)-Pen/79-GPF dated 3-3-1980
9. F.20 (22)-EV (B)/Pen/79-GPF dated 18-4-1980
10. F.13 (6)-Pen/79-GPF dated 18-4-1980
11. F.16 (2)-Pen/79-PGPF dated 12-6-1980
12. F.11 (1)-Pen/77-GPF dated 1-10-1980
13. F.16 (3)-Pen/79-GPF dated 13-10-1980
14. F.10 (2)-Pen/81-GPF dated 21-12-1981
15. F.13 (1)-Pen/82-dstd 8.9.1982
16. F.13 (3)-Pen 82 dated 30-4-1983
17. F.19 (2)-Pen/80-GPF dated 10-5-83

फा० घा० 2407.—राष्ट्रपति संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खंड (5) द्वारा प्रदत्त मकानों का प्रयोग करते हुए भारतीय लेखा परीक्षा और लेखा विभाग में सेवारत व्यक्तियों के सम्बन्ध में नियंत्रक-महालेखापरीक्षक से परामर्श करने के पश्चात् अभिदायी भविष्य निधि नियम (भारत) 1962 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम अभिदायी भविष्य निधि (भारत) तीसरा संशोधन नियम 1983 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रबृत्त होंगे।

2. अभिदायी भविष्य निधि (भारत) नियम 1962 के नियम 12 के उपनियम (7) के स्थान पर निम्नलिखित उपनियम रखा जाएगा अर्थात् :—

“(7) यदि यह पाया जाता है कि अभिदाता ने रकम लेने की सारीख को अपने नाम जमा रकम से अधिक रकम निधि में से ले ली है तो अधिक ली गई रकम का इस बात पर विचार किए बिना कि अधिक ली गई रकम निधि में से उधार के या रकम निकालते या अंतिम सदाय के समय ली गई है उसके द्वारा प्रति-संवाद उस पर व्याज सहित एकमुश्त किया जाएगा या व्यतिक्रम दण्ड में अभिदाता की उपलब्धियों से एकमुश्त कटौती करके बसूली करने का आदेश दिया जाएगा। यदि बसूल की जाने वाली कुल रकम अभिदाता की उपलब्धियों के आधे से अधिक है तो उसकी उपलब्धियों के आधे अंश की मासिक किश्तों में तब तक बसूली की जाएगी जब तक कि व्याज सहित कुल रकम बसूल नहीं कर ली जाती है। इस उपनियम के लिए अधिक ली गई रकम पर प्रभारित किए जाने वाले व्याज की दर उपनियम (1) के अधीन भविष्य निधि अंतिशेष पर सामान्य दर से $2\frac{1}{2}$ प्रतिशत अधिक होगी। अधिक ली गई रकम पर बसूल किया गया व्याज सरकारी खाते में “049 व्याज प्रसियां-ग-केन्द्रीय सरकार की अन्य व्याज प्राप्तियां”—शीर्ष के अधीन खोले जाने वाले “भविष्य निधि से अधिक ली गई रकम पर व्याज”, सुधिन्न उपरीर्ण के अधीन जमा किया जाएगा।”

[स० 16(3)-वेंशन 74-जी० पी० एफ०]

पाद टिप्पण :

अभिदायी भविष्य निधि नियम (भारत) 1962 के (31-3-1973 तक संशोधित) प्राधिकृत पुनर्मुद्रण का प्रकाशन 1973 में किया गया था। तत्पश्चात् नियमों का निम्नलिखित अधिसूचनाओं द्वारा संशोधन किया गया :—

1. 16(2)-ई० वी० (सी०)/73 न० तारीख 18-9-73
2. फा० 32(3)-ई० वी०/67-अ० भ० नि�० तारीख 26-10-73
3. फा० 32(3)-ई० वी०/67-अ० भ० नि�० तारीख 22-12-73

4. फा० 2(2)-ई० वी० (बी)/71 तारीख 29-5-74
5. फा० 13(1)-ई० वी० (बी)/73-अ० भ० नि�० तारीख 28-6-74
6. फा० 13(3-ईवी) (बी)/74 अ० भ० नि�० तारीख 5-10-74
7. फा० 16(2)-ईवी (बी)/72 तारीख 9-10-74
8. फा० 13(4)-ई० वी० (बी)/74 अ० भ० नि�० तारीख 10-10-74
9. फा० 2(62)(1)-ई० वी० (बी)/71-अ० भ० नि�० तारीख 14-10-74
10. घ० 24017/1/75-ई० वी० (बी) तारीख 28-2-75
11. फा० 13(3)-ई० वी० (बी)/75-तारीख 28-4-75
12. फा० 2(62)(1)-ई० वी० (बी)/71 तारीख 18-7-75
13. फा० 13(4)-ई० वी० (बी)/75-तारीख 28-10-1975
14. फा० 10(3) ई० वी० (बी)/75 तारीख 12-1-76
15. फा० 13(1)-ई० वी० (बी)/76 तारीख 27-1-1976
16. फा० 13(5)-ई० वी० (बी)/75-तारीख 15-5-76
17. फा० 13(6)-ई० वी० (बी)/76 तारीख 30-6-76
18. फा० 13(7)-ई० वी० (बी)/76-तारीख 26-7-76
19. फा० 13(3)-ई० वी० (बी)/76-अ० भ० नि�० तारीख 17-11-76
20. फा० 13(8)-ई० वी० (बी)/76-अ० भ० नि�० तारीख 10-12-76
21. फा० 16(4)-ई० वी० (बी)/76-अ० भ० नि�० तारीख 17-12-76
22. फा० 10(8)-ई० वी० (बी)/76 अ० भ० नि�० तारीख 19-2-77
23. फा० 13(9)-ई० वी० (बी)/76-अ० भ० नि�० तारीख 25-2-77
24. फा० 13(11)-ई० वी० (बी)/76-अ० भ० नि�० तारीख 28-4-77
25. फा० 13(10)-ई० वी० (बी)/76-अ० भ० नि�० तारीख 5-9-77
26. फा० 13(4)-ई० वी० (बी)/77-अ० भ० नि�० तारीख 18-10-77
27. फा० 13(10)-ई० वी० (बी)/76 अ० भ० नि�० तारीख 21-1-78
28. फा० 13(7)-ई० वी० (बी)/77-अ० भ० नि�० तारीख 23-1-78
29. फा० 20(25) ई० वी० (बी)/77-अ० भ० नि�० तारीख 13-3-78
30. फा० 13(5)-ई० वी० (बी)/77-अ० भ० नि�० तारीख 30-3-78
31. फा० 13(7)-ई० वी० (बी)/77-अ० भ० नि�० तारीख 22-4-78

32. फा० 13(ii)-ई०वी०(बी) / 78-अ० भ० नि० तारीख
30-5-79

33. फा० 17(5)-ई०वी०(बी) / 78-अ० भ० नि० तारीख
18-6-79

34. फा० 19(15)-पेन/76-अ० भ० नि० तारीख 9-8-79

35. फा० 9(2)-ई०वी०(बी) 87अ० भ० नि० तारीख
13-11-79

36. फा० मं० 10(10)-पेन/79 अ० भ० नि० तारीख
3-3-80

37. फा० 20(22)-ई०वी०(बी)/पेशन/79 अ० भ० नि०
तारीख 18-4-80

38. फा० 13(6)-पेशन/79 अ०भ०नि० तारीख 18-4-80

39. फा० 16(2)-पेन/79-अ० भ० नि० तारीख 12-6-80

40. फा० ii(i)-पेन/77-अ० भ० नि० तारीख 1-10-80

41. फा० 16(3)-पेन/79-अ०भ०नि० तारीख 13-10-80

42. फा० 10(2)-पेन/81-अ०भ०नि० तारीख 21-12-81

43. फा० 13(3)-पेन/83-अ० भ० नि० तारीख 30-4-83

44. फा० 19(2)-पेन/80-अ० भ० नि० तारीख 10-5-83

S.O. 2407.—In exercise of the powers conferred by the proviso to Article 309 and clause (5) of the Article 148 of the Constitution, the President after consultation with the Comptroller and Auditor General in relation to the persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Contributory Provident Fund Rules (India), 1962, namely :—

1. (1) These rules may be called the Contributory Provident Fund (India) Third Amendment Rules, 1983.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Contributory Provident Fund Rules (India), 1962, in rule 12, for sub-rule (7), the following sub-rule shall be substituted, namely :—

"(7) In case a subscriber is found to have drawn from the Fund an amount in excess of the amount standing to the credit on the date of the drawal, the overdrawn amount, irrespective of whether the overdrawal occurred in the course of an advance or a withdrawal or the final payment from the fund, shall be repaid by him with interest thereon, in one lumpsum, or in default, be ordered to be recovered by deduction in one lumpsum from the emoluments of the subscriber. If the total amount to be recovered is more than half of the subscriber's emoluments, recoveries shall be made in monthly instalments of moiety of his emoluments till the entire amount, together with interest, is recovered. For this sub-rule, the rate of interest to be charged on overdrawn amount would be 24% over and above the normal rate on Provident Fund balance under sub-rule (1). The interest realised on the overdrawn amount shall be credited to Government account under a distinct sub-head "Interest on overdrawals from Provident Fund" under the head "049—Interest Receipts—other interest receipts of Central Government—other Receipts."

[No. 16(3)-Pension/79-GPF]

Note : The Contributory Provident Fund Rules (India) 1962 (corrected upto 31-3-1973) were published in 1973. Rules were subsequently amended vide the notifications mentioned below :—

1. 16(2)-EV/73 dated 18-9-1973

2. F.32 (3)-EV/67-CPF dated 26-10-73
3. F.32 (3)-EV/67-CPF dated 22-12-73
4. F.2 (2)-EV (B)/71 dated 29-5-74
5. F.13 (1)-EV (B)/73-CPF dated 23-6-74
6. F.13 (3)-EV (B)/74-CPF dated 5-10-74
7. F.16 (2)-EV (B)/72 dated 9-10-74
8. F.13 (4)-EV (B)/74 dated 10-10-74
9. F.2 (62) (1)-EV (B)/71-CPF dated 14-10-74
10. Q-24017/1/75-EV (b)/dated 28-2-75
11. F.13 (3)-EV (B)/75 dated 28-4-75
12. F.2 (62) (1)-EV (B)/71 dated 18-7-75
13. F.13 (4)-EV (B)/75 -dated 28-10-75
14. F.10 (3)-EV (B)/75 dated 12-1-1976
15. F.13 (1)-EV (B)/76 dated 27-1-76
16. F.13 (5)-EV (B)/75 dated 15-5-76
17. F.13 (6)-EV (B)/76 dated 30-6-76
18. F.13 (7)-EV (B)/76 dated 26-7-76
19. F.13 (3)-EV (B)/76-CPF dated 17-11-76
20. F.13 (8)-EV (B)/76-CPF dated 10-12-76
21. F.16 (4)-EV (B)/76-CPF dated 17-12-76
22. F.10 (8)-EV (B)/76-CPF dated 19-2-76
23. F.13 (9)-EV (B)/76-CPF dated 25-2-77
24. F.13 (ii)-EV (B)/76-CPF dated 28-4-77
25. F.13 (10)-EV (B)/76-CPF dated 5-9-77
26. F.13 (4)-EV (B)/76-CPF dated 18-10-77
27. F.13 (10)-EV (B)/76-CPF dated 21-1-78
28. F.13 (7)-EV (B)/77-CPF dated 23-1-78
29. F.20 (25)-EV (B)/77-CPF dated 13-3-78
30. F.13 (5)-EV (B)/77-CPF dated 30-3-78
31. F.13 (7)-EV (B)/77-CPF dated 22-4-78
32. F.13 (ii)-EV (B)/78-CPF dated 30-5-79
33. F.17 (5)-EV (B)/78-CPF dated 18-6-79
34. F.19 (15)-Pen/76-CPF dated 9-8-79
35. F.9 (2)-EV (B)/78-CPF dated 13-11-79
36. F.10 (10)-Pen/79-CPF dated 3-3-80
37. F.20 (22)-EV (B)/Pen/79-CPF dated 18-4-80
38. F.13 (6)-Pen/79-CPF dated 18-4-80
39. F.16 (2)-Pen/79-CPF dated 12-6-80
40. F.ii (1)-Pen/77-CPF dated 1-10-80
41. F.16(3)-Pen/79-CPF dated 13-10-80
42. F.10 (2)-Pen/81-CPF dated 21-12-81
43. F.13 (3)-Pen/82-CPF dated 30-4-83
44. F.19 (2)-Pen/80-CPF dated 10-5-83

नई विली, 20 मई, 1983

S.O. 2408.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के नियंत्रक और महालेखा परीक्षक से भारतीय लेखा परीक्षा और लेखा विभाग में सेवारत व्यक्तियों के संबंध में परामर्श करते के पश्चात् साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का संभिप्त नाम साधारण भविष्य निधि (केन्द्रीय सेवा) चौथा संशोधन नियम 1983 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 की पांचवीं अनुसूची से पैरा 2 निम्नलिखित प्रविष्टियों के स्थान पर :—

“ज्येष्ठ उप मुख्य लेखापरीक्षक, डाक-तार ज्येष्ठ उप महालेखाकार (प्रशा०)/उप महालेखाकार (प्रशा०) अन्ध्र प्रदेश, हैंदराबाद ।

ज्येष्ठ उप महालेखाकार (प्रशासन)/उप महालेखाकार (प्रशा०) असम, मेघालय और नागालैण्ड, शिलांग । ज्येष्ठ उप महालेखाकार (प्रशा०) बिहार, रांची । ज्येष्ठ उप महालेखाकार (प्रशा०)/उप महालेखाकार (प्रशा०) केन्द्रीय, कलकत्ता ।

ज्येष्ठ उप महालेखाकार (प्रशा०), केन्द्रीय राजस्व नई दिल्ली ।

ज्येष्ठ उप महालेखाकार (प्रशासन) जम्मू-कश्मीर, श्रीनगर ।

ज्येष्ठ उप महालेखाकार (प्रशा०)/उप महालेखाकार (प्रशा०) केरल, त्रिवेन्द्रम ।

ज्येष्ठ उप महालेखाकार (प्रशा०)/मध्य प्रदेश ग्वालियर । ज्येष्ठ उप महालेखाकार (प्रशा०)/उप महालेखाकार, (प्रशा०), महाराष्ट्र बम्बई ।

ज्येष्ठ उप महालेखाकार (प्रशा०)/उप महालेखाकार (प्रशा०) भैसुर, बंगलौर ।

ज्येष्ठ उप महालेखाकार (प्रशा०)/उप महालेखाकार (प्रशा०) उड़ीसा भुवनेश्वर ।

ज्येष्ठ उप महालेखाकार (प्रशा०) तमिलनाडु मद्रास ।

ज्येष्ठ उप महालेखाकार (प्रशा०)/उप महालेखाकार (प्रशा०) राजस्थान, जयपुर ।

ज्येष्ठ उप महालेखाकार (प्रशा०) पश्चिमी बंगाल, कलकत्ता ।

ज्येष्ठ उप महालेखाकार (प्रशा०)/उप महालेखाकार (प्रशा०) उ० प्र०, इलाहाबाद ।

ज्येष्ठ उप महालेखाकार (प्रशा०)/उप महालेखाकार (प्रशा०),

वाणिज्य निर्माण और प्रकीर्ण नई दिल्ली, बम्बई और कलकत्ता अपर महालेखाकार मणिपुर और त्रिपुरा ।

ज्येष्ठ उप महालेखाकार (निरीक्षण और निर्माण) तिचुर । उप मुख्य लेखा परीक्षक डाक-तार, बंगलौर भोपाल, कटक, जयपुर, लखनऊ, पटना और त्रिवेन्द्रम ।

महालेखाकार मध्य प्रदेश-II के कार्यालय में ज्येष्ठ उप महालेखाकार (निर्माण)”, निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :—

“भारतीय लेखापरीक्षा और लेखा विभाग में :—

(क) भारत का नियंत्रक और महालेखापरीक्षक;

(ख) सभी विभागों के प्रधान, और

(ग) कनिष्ठ प्रशासनिक श्रेणी चयन श्रेणी और ज्येष्ठ

काल वेतनमान में ऐसे सभी अधिकारी जो प्रशासनिक समूह का भारसाधन में फील्ड कार्यालय और मुख्यालयों के स्वतंत्र फील्ड कार्यालय और मुख्यालयों के स्वतंत्र भारसाधन में हैं ।”

टिप्पण :—मूल नियम वित्त मंत्रालय की अधिसूचना संख्या एफ० 37(2)-ई० बी०/68 तारीख 25-4-1968 द्वारा प्रकाशित किए गए थे । साधारण भविष्य निधि (केन्द्रीय सेवा) नियम 1960 (31-11-1978 तक संशोधित) का नवीनतम संस्करण 1979 में प्रकाशित किया गया था । तत्पश्चात् नियमों का निम्नलिखित अधिसूचनाओं द्वारा संशोधित किया गया :—

क्र०सं०	अधिसूचना संख्या	तारीख
1.	वित्त मंत्रालय फा० 13(8)-ई० बी०(बी)/77	13-12-1978
2.	“ फा० 13(5)/78-ई० बी० (बी)	23-4-1979
3.	“ फा० 13(1)/ई० बी० (बी)/78	30-5-1979
4.	“ फा० 13(7)/78-ई० बी० (बी)	18-6-1979
5.	“ फा० 17(5)ई० बी० (बी)/78	18-6-1979
6.	गृह मंत्रालय फा० 19(15)-पेंशन/78-सा० भ० नि०	9-8-1979
7.	“ फा० 9(2)-ई० बी० (बी)/पेंशन/78-सा० भ० नि०	13-11-1979
8.	“ फा० 10(10)-पेंशन/79-सा० भ० नि०	3-3-1980
9.	“ फा० 20(22)-ई० बी० (बी)/पेंशन/79-सा० भ० नि०	18-4-1980
10.	“ फा० 13(6)-पेंशन/79-सा० भ० नि०	18-4-1980
11.	“ फा० 16(2)-पेंशन/79-सा० भ० नि०	12-6-1980
12.	“ फा० 11(1)-पेंशन/77-सा० भ० नि०	1-10-1980
13.	“ फा० 16(3)-पेंशन/79-सा० भ० नि०	13-10-1980
14.	“ फा० 10(2)-पेंशन/81-सा० भ० नि०	21-12-1981
15.	“ फा० 13(1)-पेंशन/82	8-9-1982
16.	“ फा० 13(3)-पेंशन/82-सा० भ० नि०	30-4-1983
17.	“ फा० 19(2)-पेंशन/80-सा० भ० नि०	10-5-83
18.	“ फा० 16(3)-पेंशन/79-सा० भ० नि०	19-5-1983

New Delhi, the 20th May, 1983

S.O. 2408.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President after consultation with the Comptroller, and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely:—

1. (1) These rules may be called the General Provident Fund (Central Services) Fourth Amendment Rules: 1983.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the General Provident Fund (Central Services) Rules, 1960 in the Fifth Schedule, in Paragraph 2, for the entries,

“Senior Deputy Chief Auditors, Posts and Telegraphs

Senior Deputy Accountant General (Admn.)/Deputy Accountant General (Admn.), Andhra Pradesh, Hyderabad.

Senior Deputy Accountant General (Admn./Deputy Accountant General (Admn.), Assam, Meghalaya and Nagaland, Shillong.

Senior Deputy Accountant General (Admn.), Bihar, Ranchi.

Senior Deputy Accountant General (Admn.)/Deputy Accountant General (Admn.), Central, Calcutta.

Senior Deputy Accountant General (Admn.), Central Revenue, New Delhi.

Senior Accountant General (Admn.) Jammu and Kashmir, Srinagar.

Senior Deputy Accountant General (Admn.)/Deputy Accountant General (Admn.), Kerala, Trivandrum.

Senior Deputy Accountant General (Admn.)/Madhya Pradesh, Gwalior.

Senior Deputy Accountant General (Admn.)/Deputy Accountant General (Admn.), Maharashtra, Bombay.

Senior Deputy Accountant General (Admn.)/Deputy Accountant General (Admn.), Mysore, Bangalore.

Senior Deputy Accountant General (Admn.)/Deputy Accountant General (Admn.), Orissa, Bhubaneshwar.

Senior Deputy Accountant General (Admn.), Tamil Nadu, Madras.

Senior Deputy Accountant General (Admn.)/Deputy Accountant General (Admn.), Rajasthan, Jaipur.

Senior Deputy Accountant General (Admn.), West Bengal, Calcutta.

Senior Deputy Accountant General (Admn.)/Deputy Accountant General (Admn.), U.P., Allahabad.

Senior Deputy Accountant General (Admn.)/Deputy Accountant General (Admn.), Commerce, Works and Miscellaneous, New Delhi, Bombay and Calcutta.

Additional Accountant General, Gujarat, Rajkot. Additional Accountants General, Manipur and Tripura.

Senior Deputy Accountant General (Inspection and Works), Trichur.

Deputy Chief Auditors, Posts and Telegraphs, Bangalore, Bhopal, Cuttack, Jaipur, Lucknow, Patna and Trivandrum.

Senior Deputy Accountant General (Works) in the office of the Accountant General, Madhya Pradesh-II, the following entries shall be substituted, namely:—

“In the Indian Audit and Accounts Department.—

- (a) The Comptroller and Auditor General of India;
- (b) All Heads of Department; and
- (c) All Officers in the junior Administrative Grade, Selection Grade and Senior Time Scale holding charge of administrative group/independent charge of field offices and headquarters”

[No. 13(2)/80-Pen.]

Note:—The Principal Rules were published vide Min. of Fin. Notification No. F. 37(2)-EV/68 dated 25-4-1968. The latest reprint of the General Provident Fund (Central Services) Rules, 1960 (corrected upto 30-11-1978) was published in 1979. The Rules were subsequently amended vide the following notification:—

S.No.	Notification No.	Dated
1.	Min. of Finance F. 13 (8)-EV (B)/77	13-12-1978
2.	“ F. 13 (5)/78-EV (B)	23-04-1979
3.	“ F. 13 (1)/EV (B)/78	30-05-1979
4.	“ F. 13 (7)/78-EV (B)	18-06-1979
5.	I.17 (5)-EV (B)/78	18-06-1979
6.	M.H.A. (DP&AR) F.19 (15)-Pen/78-GPF	09-08-1979
7.	“ F.9 (2)-EV (B)/Pen-78-GPF	13-11-1979
8.	“ F.10 (10)-Pen/79-GPF	03-03-1980
9.	“ F.20 (22)-EV(B)/Pen/79-GPF	18-4-1980
10.	“ F.13 (6)-Pen/79-GPF	18-04-1980
11.	“ F.16 (2)-Pen/79-GPF	12-06-1980
12.	“ F.11 (1)-Pen/77-PPF	01-10-1980
13.	“ F.16 (3)-Pen/79-GPF	13-10-1980
14.	“ F.10 (2)-Pen/81-GPF	21-12-1981
15.	I.13 (1)-Pen/82	08-09-1982
16.	“ F.13 (3)-Pen/82-GPF	30-04-1983
17.	“ F.19 (2)-Pen/80-GPF	10-05-1983
18.	“ F.16 (1)-Pen/79-GPF	19-05-1983

S.O. 2409.—राष्ट्रपति संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खंड(5) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए भारतीय लेखापरीक्षा और लेखा विभाग में सेवा करने वाले व्यक्तियों के संबंध में नियंत्रक महासेवा परीक्षक से परामर्श करने के पश्चात् साधारण भविष्य निधि (केन्द्रीय सेवा) नियम 1960 का और संस्थानिक नियम बनाते हैं अर्थात् :—

1. (1) इन नियमों का संधिज्ञ नाम साधारण भविष्य निधि (केन्द्रीय सेवा) पांचवां संगीधन नियम, 1983 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. साधारण भविष्य निधि (केन्द्रीय सेवा) नियम 1960 के नियम 24 के उपनियम (1) के खंड (३) के पश्चात् संस्थानिक खंड अन्तःस्थापित किया जाएगा अर्थात् :—

“(च) जिसने बीम वर्ष सेवा पूरी कर ली है (जिसमें सेवा में व्यवधान की अवधिया यदि कोई हो सम्भिलित है)”।

[मंस्त्रा 19(1)-पेशन एकक/83-जी० पी० एफ०]

टिप्पणी :—सामान्य भविष्य निधि (केन्द्रीय सेवा) नियम 1960 दिनांक 1-12-1960 के एस० ओ० 3000 के रूप में प्रकाशित किए गए थे। इन नियमों का तीसरा पुनर्मुद्रण (30-11-1978, तक संशोधित) सन् 1979 में छपा था। इन नियमों में आद की निम्नलिखित अधिसूचनाओं द्वारा संशोधन किया गया था :—

1. एफ० 13(8)/77-ई०बी०(बी) दिनांक 13-12-1978
2. एफ० 13(5)/78-ई०बी०(बी) दिनांक 23-4-1979
3. एफ० 13(11)/78-ई०बी०(बी) दिनांक 30-5-1979
4. एफ० 13(7)/78-ई०बी०(बी) दिनांक 18-6-1979
5. एफ० 17(5)-ई०बी०(बी)/78 दिनांक 18-6-1979
6. एफ० 19(15)-पैन/76-जी० पी० एफ० दिनांक 9-8-1979
7. एफ० 9(2)-ई०बी०(बी)/पैन/78-जी० पी० एफ० दिनांक 13-11-1979
8. एफ० 10(10)-पैन/79-जी० पी० एफ० दिनांक 3-3-1980
9. एफ० 20(22)-ई०बी०(बी)/पैन/79-जी० पी० एफ० दिनांक 18-4-1980
10. एफ० 13(6)-पैन/79-जी० पी० एफ० दिनांक 18-4-1980
11. एफ० 16(2)-पैन/79-जी० पी० एफ० दिनांक 12-6-1980
12. एफ० 11(1)-पैन/77-जी० पी० एफ० दिनांक 1-10-1980
13. एफ० 16(3)-पैन/79-जी० पी० एफ० दिनांक 13-10-1980
14. एफ० 10(2)-पैन/81-जी० पी० एफ० दिनांक 21-12-1981
15. एफ० 13(1)-पैन/82 दिनांक 8-9-1982
16. एफ० 13(3)-पैन/82-जी० पी० एफ० दिनांक 30-4-83
17. एफ० 19(2)-पैन/80-जी० पी० एफ० दिनांक 10-5-83
18. एफ० 16(3)-पैन/79-ओ० पी० एफ० दिनांक 19-5-1983
19. एफ० 13(2)-पैन/80-जी० पी० एफ० दिनांक 20-5-83

S.O. 2409.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President after consultation with the Comptroller and Auditor General, in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely:—

1. (1) These rules may be called the General Provident Fund (Central Services) Fifth Amendment Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the General Provident Fund (Central Services) Rules, 1960, in rule 24, after clause (e) of sub-rule (1), the following clause shall be inserted, namely:—

"(f) has completed twenty years of service (including broken periods of service, if any);".

[No. 19(1)Pen. Unit/83-CPF]

Note:—General Provident Fund (Central Servicet) Rules, 1960 were published as S.O. 3000 dated 1-12-1960. The Third reprint (corrected upto 30-11-1978) of the rules was printed in 1979. The rules were subsequently amended vide Notification mentioned below:—

1. F.13 (8)/77-EV (B) dated 13-12-1978.
2. F.13 (5)/78-EV (B) dated 23-4-1979.
3. F.13 (11)/78-EV (B) dated 30-5-1979.
4. F.13 (7)/78-EV (B) dated 18-6-1979.
5. F.17 (5)-EV (B)/78 dated 18-6-1979.
6. F.19 (15)-Pen/76-GPF dated 9-8-1979.
7. F.9 (2)-EV (B)/Pen/78-GPF dated 13-11-1979.
8. F.10 (10)-Pen/79-GPF dated 3-3-1980
9. F.20 (22)-EV (B)/Pen/79-GPF dated 18-4-1980
10. F.13 (6)-Pen/79-GPF dated 18-4-1980
11. F.16 (2)-Pen/79-GPF dated 12-6-1980
12. F.11 (1)-Pen/77-GPF dated 1-10-1980.
13. F.16 (3)-Pen/79-GPF dated 13-10-1980
14. F.10(2)-Pen/81-GPF dated 21-12-1981
15. F.13 (i)-Pen/82 dated 8-9-1982.
16. F.13 (3)-Pen/82-GPF dated 30-4-1983.
17. F.19 (2)-Pen/80-GPF dated 10-5-1983.
18. F.16 (3)-Pen/79-GPF dated 19-5-1983
19. F.13 (2)-Pen/80-GPF dated 20-5-83

का०आ० 2410.—राज्यपति संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय लेखापरीक्षा और लेखा विभाग में सेवा करने वाले व्यक्तियों के संबंध में नियक्तक महानिवापरीक्षक से परामर्श करने के पश्चात् अधिदायी भविष्य निधि नियम, 1962 का और संशोधन करते के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम अधिदायी भविष्य निधि संशोधन नियम, 1983 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. अधिदायी भविष्य निधि नियम, 1962 के नियम 26 के उपनियम (1) के खंड (3) के पश्चात् निम्नलिखित खण्ड और स्थापित किया जाएगा, अर्थात् :—

"(च) जिसने बीस वर्ष मेंवा पूरी कर ली है (जिसमें सेवा में व्यवधान की अवधियाँ, यदि कोई हो सम्मिलित हैं),"

[मंद्या 19(1)-पैनएवक/83-भी० पी० एफ०]

के० एस० महादेवन, अधर सचिव

भाग II, खण्ड 3, उप-खण्ड (ii) में एस० ओ० 1311 के रूप में प्रकाशित किए गए थे। इन नियमों (31-12-1973 तक संशोधित) का दूसरा पुनर्मुद्रण मन

1983 में प्रकाशित हुआ था। दूसरे पुनर्मुद्रण के पश्चात् जो नीं किए गए संशोधन निम्न प्रकार हैं:—

1. एफ० 16(2)-ई० वी० (बी०)/73 दिनांक 18-9-1983
2. एफ० 32(3)-ई० वी० 67-सी० पी० एफ० दिनांक 26-10-1983
3. एफ० 32(3)-ई० वी०/67-सी० पी० एफ० दिनांक 22-12-1983
4. एफ० 2(2)-ई० वी०/(बी०)/71 दिनांक 29-5-1974
5. एफ० 13(1)-ई० वी० (बी०)/73-सी० पी० एफ० दिनांक 28-6-1974
6. 13(3)-ई० वी० (बी०)/74-सी० पी० एफ० दिनांक 5-10-1974
7. एफ० 16(2)-ई० वी० (बी०)/72 दिनांक 9-10-1974
8. एफ० 13(1)-ई० वी० (बी०)/74 सी० पी० एफ० दिनांक 10-10-1974
9. एफ० 2(62)(1)-ई० वी० (बी०)/71-सी० पी० एफ० दिनांक 14-10-1974
10. एफ० क्यू०-24017/1/75-ई० वी० (बी०) दिनांक 28-2-1975
11. एफ० 13(3)-ई० वी० (बी०)/75 दिनांक 28-4-1975
12. एफ० 2(62)(1)-ई० वी० (बी०)/71 दिनांक 18-7-1975
13. एफ० 13(4)-ई० वी० (बी०)/75 दिनांक 28-10-1975
14. एफ० 10(3)-ई० वी० (बी०)/75 दिनांक 12-1-1976
15. एफ० 13(1)-ई० वी० (बी०)/76 दिनांक 27-1-1976
16. एफ० 13(5) ई० वी० (बी०)/75 दिनांक 15-5-1976
17. एफ० 13(6) ई० वी० (बी०)/76 दिनांक 30-6-1976
18. एफ० 13(7)-ई० वी० (बी०)/76 दिनांक 26-7-1976
19. एफ० 13(3)-ई० वी० (बी०)/76 सी० पी० एफ० दिनांक 17-11-1976
20. एफ० 13(8)-ई० वी० (बी०)/76-सी० पी० एफ० दिनांक 10-12-1976
21. एफ० 16(4)-ई० वी० (बी०)/76-सी० पी० एफ० दिनांक 17-12-1976
22. एफ० 10(8)-ई० वी० (बी०)/76-सी० पी० एफ० दिनांक 19-2-1977
33. एफ० 13(9)-ई० वी० (बी०)/76-सी० पी० एफ० दिनांक 25-2-1977
24. एफ० 13(11)-ई० वी० (बी०)/76-सी० पी० एफ० दिनांक 28-4-1977
25. एफ० 13(10)-ई० वी० (बी०)/76-सी० पी० एफ० दिनांक 5-9-1977
26. एफ० 13(4) ई० वी० (बी०)/76-सी० पी० एफ० दिनांक 18-10-1977

27. एफ० 13(10) ई० वी० (बी०)/76-सी० पी० एफ० दिनांक 21-1-1978
28. एफ० 13(7) ई० वी० (बी०)/77-सी० पी० एफ० दिनांक 23-1-1978
29. एफ० 20(25) ई० वी० (बी०)/77-सी० पी० एफ० दिनांक 13-3-1978
30. एफ० 13(5)-ई० वी० (बी०)/77-सी० पी० एफ० दिनांक 30-3-1978
31. एफ० 13(7)-ई० वी० (बी०)/77-सी० पी० एफ० दिनांक 22-4-1978
32. एफ० 13(11)-ई० वी० (बी०)/78-सी० पी० एफ० दिनांक 30-5-1979
33. एफ० 17(5)-ई० वी० (बी०)/78-सी० पी० एफ० दिनांक 18-6-1979
34. एफ० 19(15) पैन/76-सी० पी० एफ० दिनांक 9-8-1979
35. एफ० 9(2)-ई० वी० (बी०)/पैन/78-सी० पी० एफ० दिनांक 13-11-1979
36. एफ० 10(10)-पैन/79-सी० पी० एफ० दिनांक 3-3-1980
37. एफ० 20(22)-ई० वी० (बी०)/पैन/79 सी० पी० एफ० दिनांक 18-4-1980
38. एफ० 13(6)-पैन/79 सी० पी० एफ० दिनांक 18-4-1980
39. एफ०-16(2)-पैन/79-सी० पी० एफ० दिनांक 12-6-1980
40. एफ० 11(1)-पैन/77-सी० पी० एफ० दिनांक 1-10-1980
41. एफ० 16(3)-पैन/79-सी० पी० एफ० दिनांक 13-10-1980
42. एफ० 10(2)-पैन/81-सी० पी० एफ० दिनांक 21-12-1981
43. एफ० 13(3)-पैन/82-सी० पी० एफ० दिनांक 30-4-1983
44. एफ० 19(2)-पैन/82 सी० पी० एफ० दिनांक 10-5-1983
45. एफ० 16(3)-पैन/79-सी० पी० एफ० दिनांक 19-5-1983

S.O.-2410.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President after consultation with the Comptroller and Auditor General, in relation to persons serving in the Indian Audit and Accounts Department hereby makes the following rules further to amend the Contributory Provident Fund Rules, 1962, namely:—

1. (1) These rules may be called the Contributory Provident Fund (India), Fourth Amendment Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Contributory Provident Fund Rules, 1962 in rule 26, after clause (e) of sub-rule (1), the following clause shall be inserted, namely:—

"(f) has completed twenty years of service (including broken periods of service, if any)."

[No. 19(1)-Pen, unit/83-CPF]
K. S. MAHADEVAN, Under Secy.

Note:—The Contributory Provident Fund Rules (India), 1962 were introduced by the Ministry of Finance, Notification No. F. 11(2)-EV(B)/61 dated the 15th March, 1962 and published as S.O. 1311 in Part II, Section 3 and Sub-Section (ii) of the Gazette of India dated 5-5-1962. The Second Reprint of the Rules (corrected upto 31-12-1973) was published in 1973. Amendments issued after the publication of the Second Reprint are mentioned below:—

1. F.16 (2)-EV(B)/73 dated 18-9-1973.
2. F.32 (3)-EV/67-CPF dated 26-10-1973.
3. F.32 (3)-EV/67-CPF dated 22-12-1973.
4. F.2 (2)-EV (B)/71 dated 29-5-1974.
5. F.13 (1)-EV (B)/73-CPF dated 28-6-1974.
6. F.13 (3)-EV (B)/74-CPF dated 5-10-1974.
7. F.6 (2)-EV (B)/72 dated 9-10-1974.
8. F.13 (4)-EV (B)/74-CPF dated 10-10-1974.
9. F.2 (62) (I)-EV (B)/71-CPF dated 14-10-1974.
10. Q.24017/I/75-EV (B) dated 28-2-1975.
11. F.13 (3)-EV (B)/75 dated 28-4-1975.
12. F.2 (62) (I)-EV (B)/71 dated 18-7-1975.
13. F.13 (4)-EV (B)/75 dated 28-10-1975.
14. F.10 (3)-EV (B)/75 dated 12-1-1976.
15. F.13 (1)-EV (B)/76 dated 27-1-1976.
16. F.13 (5)-EV (B)/75 dated 15-5-1976.
17. F.13 (6)-EV/(B)/76 dated 30-6-1976.
18. F.13 (7)-EV (B)/76 dated 26-7-1976.
19. F.13 (3)-EV (B)/76-CPF dated 17-11-1976.
20. F.13 (8)-EV (B)/76-CPF dated 10-12-1976.
21. F.16 (4)-EV (B)/76-CPF dated 17-12-1976.
22. F.10 (8)-EV (B)/76-CPF dated 19-2-1977.
23. F.13 (9)-EV (B)/76-CPF dated 25-2-1977.
24. F.13 (ii)-EV (B)/76-CPF dated 28-4-1977.
25. F.13 (10)-EV(B)/76-CPF dated 5-9-1977.
26. F.13 (4)-EV (B)/77-CPF dated 18-10-1977.
27. F.13 (10)-EV (B)/76-CPF dated 21-1-1979.
28. F.13 (7)-EV (B)/77-CPF dated 23-1-1978.
29. F.20 (25)-EV (B)/77-CPF dated 13-3-1978.
30. F.13 (5)-EV (B)/77-CPF dated 30-3-1978.
31. F.13 (7)-EV (B)/77-CPF dated 22-4-1978.
32. F.13 (ii)-EV (B)/78-CPF dated 30-5-1979.
33. F.17 (5)-EV (B)/78-CPF dated 18-6-1979.
34. F.19'(15)-Pen/76-CPF dated 9-8-1979.
35. F.9 (2)-EV (B)/Pen/78-CPF dated 13-11-1979.
36. F.10 (10)-Pen/79-CPF dated 3-3-1980.
37. F.20 (22)-EV (B)/Pen/79-CPF dated 18-4-1980.
38. F.13 (6)-Pen/79-CPF dated 18-4-1980.
39. F.16 (2)-Pen/79-CPF dated 12-6-1980.
40. F.ii (1)-Pen/77-CPF dated 1-10-1980.
41. F.16 (3)-Pen/79-CPF dated 13-10-1980.
42. F.10 (2)-Pen/81-CPF dated 21-12-1981.
43. F.13 (3)-Pen/82-CPF dated 30-4-1983.
44. F.19 (2)-Pen/80-CPF dated 10-5-1983.
45. F.16 (3)-Pen/79-CPF dated 19-5-1983.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 10 मई, 1983

प्रधान कार्यालय संस्थापन

का. 2411.—केन्द्रीय राजस्व बोर्ड अधिनियम

1963 (1963 का संख्यांक 54) की धारा 3 को उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा भारतीय राजस्व मेवा (आयकर) के अधिकारी श्री वी. आर. तलवद्वारा द्वारा, जो पिछले दिनों मुख्य आयुक्त (अधीन) तथा आयकर अपुत गुजरात-1, के रूप में नियमित थे; 4 मई, 1983 के तर्दहन से केन्द्रीय प्रत्यक्ष कर बोर्ड का सदस्य नियुक्त करती है।

[फा. सं. ए. 19011/6/83-प्रश्ना०-१]

श्री. आर. मेहमी, अव. सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 10th May, 1983

HEADQUARTERS ESTABLISHMENT

S.O. 2411.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Central Board of Revenue Act, 1963 (No. 54 of 1963), the Central Government hereby appoints Shri V. R. Talvadkar, an officer of the Indian Revenue Service (Income-tax) lately posted as Chief Commissioner (A) and C.I.T., Gujarat I, as Member of the Central Board of Direct Taxes with effect from the forenoon of the 4th May, 1983.

[F. No. A. 19011/6/83-Ad.I]

B. R. MEHMI, Under Secy.

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 18 मई, 1983

आयकर

का. 2412.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 194 की उपधारा (3) के खण्ड (iii) के उप-खण्ड (च) के अनुसरण में, केन्द्रीय सरकार एवं द्वारा दि. फटिलाइजर्स एण्ड केमिकल्स, ट्रावनकोर लिमिटेड, उद्योग भृष्णुल को उक्त उप-खण्ड के प्रयोगनश्च अधिसूचित करती है।

[फा. सं. 275/34/82-आ० का० (ब०)]

(Central Board of Direct Taxes)

INCOME-TAX

New Delhi, the 18th May, 1983

S.O. 2412.—In pursuance of sub-clause (f) of clause (iii) of sub-section (3) of section 194A of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Fertilisers and Chemicals, Travancore Limited, Udyogamandal, for the purposes of the said sub-clause.

[F. No. 275/34/82-IT(B)]

नई दिल्ली, 19 मई, 1983

आयकर

का. 2413.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) के अनुसरण में और भारत सरकार के राजस्व विभाग की दिनांक

23/10/1981 की अधिसूचना सं० 4280 (फा० सं० 398/19/81-आ० क० व०) का अधिलंबन करते हुए, केन्द्रीय सरकार एतद्वारा श्री एच० बी० भिसे को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अंतर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना, श्री एच० बी० भिसे के द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण किए जाने की तारीख से लागू होगी।

[सं० 5189/फा० सं० 398/16/83-आ० क० (वि०)]

New Delhi, the 19th May, 1983

INCOME-TAX

S.O. 2413.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-Tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 4280 (F. No. 398/19/81-ITB) dated 23-10-1981, the Central Government hereby authorises Shri H. V. Bhisev being a gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri H. V. Bhisev takes over charge as Tax Recovery Officer.

[No. 5189 (F. No. 398/16/83-IT(B))]

आयकर

का०आ० 2414—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में और भारत सरकार के राजस्व विभाग की दिनांक 29-6-81 की अधिसूचना सं० 4050 (फा० सं० 398/19/81 — आ० क० स० क०) का अधिलंबन करते हुए केन्द्रीय सरकार एतद्वारा श्री बी० डी० लोंकर को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है उक्त अधिनियम के अंतर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री बी० डी० लोंकर द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण किए जाने की तारीख से लागू होगी।

[सं० 5191 (फा०/सं० 398/16/83-आ० क० व०)]

एन०क० शुक्ल, अध्यकर सचिव

INCOME-TAX

S.O. 2414.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 4050 (F. No. 398/19/81-ITCC) dated 29-6-1981 Shri V. D. Lonkar, being a gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri V. D. Lonkar takes over charge as Tax Recovery Officer.

[No. 5191 (F. No. 398/16/83-ITB)]
N. K. SHUKLA, Under Secy.

नई दिल्ली, 17 मई, 1983

आयकर

का०आ० 2415.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा कर-निर्धारण वर्ष 1982-83 और 1983-84 के अन्तर्गत आने वाली अवधि के लिए उक्त खण्ड के प्रयोजनार्थ “हनुमान प्रसाद पोदवार स्मारक समिति गोरखपुर” को अधिसूचित करती है।

[सं० 5174/फा० सं० 197/102/82-आ० क० नि०(I)]

New Delhi, the 17th May, 1983

INCOME-TAX

S.O. 2415.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies “Hanuman Prasad Smarak Samiti, Gorakhpur” for the purpose of the said Section for the period covered by the assessment years 1982-83 and 1983-84.

[No. 5174/F. No. 197/102/82-IT(AI)]

आयकर

का०आ० 2416.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23 ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा, कर-निर्धारण वर्ष 1982-1983 के अन्तर्गत आने वाली अवधि के लिए उक्त खण्ड के प्रयोजनार्थ “श्री चन्द्र चिनार बड़ा अखाड़ा उदासीन ट्रस्ट, श्रीनगर” को अधिसूचित करती है।

[सं० 5175/फा० सं० 197/79/80-आ० क० नि०(I)]

INCOME-TAX

S.O. 2416.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Shri Chander Chinar Bada Akbara Udaseen Trust, Srinagar” for the purpose of the said section for the period covered by the assessment year 1982-83

[No. 5175/F. No. 197/79/80-IT(AI)]

आयकर

का०आ० 2417.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा कर-निर्धारण वर्ष 1972-73 से 1983-84 के अन्तर्गत आने वाली अवधि के लिए उक्त खण्ड के प्रयोजनार्थ “धरमपुरम अधिनम” को अधिसूचित करती है।

[सं० 5176/फा० सं० 197/100/80-आ० क० नि०(I)]

INCOME-TAX

S.O. 2417.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies “Dharampuram Adhinam” for the purpose of the said section for the period covered by the assessment years 1972-73 to 1983-84.

[No. 5176/F. No. 197/100/80-IT(AI)]

का० आ० 2418.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा कर-निर्धारण वर्ष 1982-83 और 1983-84 के अन्तर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ “टी० बी० एस० चेरीटीज ट्रस्ट” को अधिसूचित करती है।

[सं० 5177/फा० सं० 197/79/79 -आ० क० नि० I)]

S.O. 2418.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “T.V.S. Charities Trust” for the purpose of the said section for the period covered by the assessment years 1982-83 and 1983-84.

[No. 5177/F. No. 197/79/79-IT(AI)]

का० आ० 2419.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उप-धारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा, कर-निर्धारण वर्ष 1981-82 से 1983-84 तक के अन्तर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ “श्री ओंकारेश्वर दे स्थान ट्रस्ट पुणे” को अधिसूचित करती है।

[सं० 5180/फा० सं० 197/47/82-आ० क० नि० I]
मिलाप जैन, अवर सचिव

S.O. 2419.—In exercise o. the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Shri Omkareshwar Deoshan Trust, Pune” for the purpose of the said section for the period covered by the assessment years 1981-82 to 1983-84.

[No. 5180/F. No. 197/47/82-IT(AI)]
MILAP JAIN, Under Secy.

केन्द्रीय उत्पादन शुल्क और सीमा-शुल्क बोर्ड

नई दिल्ली, 4 जून, 1983

सं० 154/83-सीमा-शुल्क

सा. का. नि. 2420 :—केन्द्रीय उत्पाद-शुल्क और सीमा-शुल्क बोर्ड, सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, महाराष्ट्र राज्य में रायगढ़ जिले के खालपुर तालुका में पताल गगा इण्डस्ट्रियल एस्टेट को भाण्डागार स्टेशन के रूप में घोषित करता है।

[फा. सं. 473/138/83-सी. शु.-7]

एन. के. कपूर, अवर सचिव

CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 4th June, 1983

No. 154/83-CUSTOMS

S.O. 2420.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Patalganga Industrial Estate in Khalpur Taluka of Raigad District in the State of Maharashtra, to be a warehousing station.

[F. No. 473/138/82-CUS. VII]
N. K. KAPUR, Under Secy.

(आधिक कार्य विभाग)

(बीमा प्रभाग)

नई दिल्ली 18, मई 1983

का० आ० 2421.—इस मंत्रालय की 14 अप्रैल, 1983 की अधिसूचना में आशिक संशोधन करते हुए तथा जीवन बीमा निगम अधिनियम, 1956 (1956 का 31 वा) की धारा 4 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारतीय औद्योगिक बैंक के अध्यक्ष एवं प्रबंध निदेशक श्री एम० आर० बी० पुंजा को 14 दिसंबर, 1985 को समाप्त होने वाली अवधि के लिए अध्यक्ष जब सक व उक्त पद पर कार्य करते रहते हैं, इसमें जो भी पहले हो, भारतीय जीवन बीमा निगम के बोर्ड का सदस्य नियुक्त करती है।

[एफ० संलग्न 124 (4) बीमा 4/80]
कुमारी कुमुम लता मितल, अपर सचिव

(Department of Economic Affairs)

(Insurance Division)

New Delhi, the 18th May, 1983

S.O. 2421.—In partial modification of this Ministry's Notification dated 14th April, 1983 and in exercise of the powers conferred by section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Shri M. R. B. Punja, Chairman and Managing Director, Industrial Development Bank of India, as Member of the Board of the Life Insurance Corporation of India for the period ending with 14th December, 1985, or as long as he holds charge of the said post, whichever is earlier.

[F. No. 124(4)-Ins IV/80]
Km. KUSUM LATA MITAL, Addl. Secy.

नई दिल्ली 17, मई, 1983

का० आ० 2422.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री बिप्लब कुमार धोष को त्रिपुरा ग्रामीण बैंक, अगरतला का अध्यक्ष नियुक्त करती है तथा 16-4-83 से प्रारम्भ होकर 30-4-1986 को समाप्त होने वाली अवधि के रूप में निर्धारित करती है जिसके दौरान श्री बिप्लब कुमार धोष अध्यक्ष के रूप में कार्य करेंगे।

[सं० एफ० 2-37/82 आर० आर० बी०]

New Delhi, the 17th May, 1983

S.O. 2422.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Biplob Kumar Ghosh as the Chairman of the Tripura Gramin Bank, Agartala and specifies the period commencing on the 16-4-83 and ending with 30-4-86 as the period for which the said Shri Biplob Kumar Ghosh shall hold office as such Chairman.

[No. F. 2-37/82-RRB]

का० आ० 2423—प्रावेशिक ग्रामीण बैंक अधिनियम 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मरकार, एवं द्वारा श्री मानवन्द्र सेन को निपुण ग्रामीण बैंक अग्रसतला का अध्यक्ष नियुक्त करती है तथा 1-7-82 से प्रारम्भ होकर 16-4-83 (पूर्वाहन) को समाप्त होने वाली अवधि को उम अवधि के रूप में निर्धारित करती है जिसके द्वारा न मानवन्द्र सेन अध्यक्ष के रूप में कार्य करेग।

[स० एफ० 2-37/82 आर० आर० बी०]

राम बेहरा, अवर सचिव

S.O. 2423.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Manbendra Sen as the Chairman of the Tripura Gramin Bank, Agartala and specifies the period commencing on the 1-7-1982 and ending with the 16-4-83 as the period for which the said Shri Manbendra Sen shall hold office as such Chairman.

[No. F. 2-37/82-RRB]
RAAM BEHRA, Under Secy.

नई दिल्ली, 18 मई, 1983

का० आ० 2424—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेबखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा नीचे दी गई सारणी के कालम (1) में वर्णित अधिकारी को सरकार के राजपत्रित अधिकारी के समकक्ष अधिकारी होने के कारण इस अधिनियम के प्रयोजनों के लिये आमित अधिकारी के रूप में नियुक्त करती है जो कि उक्त सारणी के कालम (2) में विनिर्दिष्ट लोक परिसरों के बारे में उक्त अधिनियम के अधीन अथवा द्वारा आस्ति अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का निष्पादन करेगा।

सारणी

अधिकारी का पदनाम सरकारी स्थान तथा शेष अधिकार की स्थानीय सीमाओं की श्रेणियां

(1)

(2)

परिसर प्रबन्धक, स्टेट भारत में किसी भी स्थान पर स्टेट बैंक आफ मैसूर, प्रधान बैंक आफ मैसूर के स्वामित्व कार्यालय, एवं न्यू रोड में के, अथवा उसके

(1)

(2)

बंगलौर

द्वारा पट्टे पर लिए गए अथवा उसके द्वारा अथवा उसकी ओर से अधिग्रहीत परिसर

[संख्या 36/6/83-बी० ओ०-III]
एन० बी० बता, अवर सचिव

New Delhi, the 18 May, 1983

S.O. 2424—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent in rank to a gazetted officer of Government, to be estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction.
(1)	(2)
Premises Manager, State Bank of Mysore, Head office, Avenue Road, Bangalore.	Premises belonging to or taken on lease or requisitioned by or on behalf of the State Bank of Mysore at any place in India.

[No. 36/6/83-B.O. III]
N.D. BATRA, Under Secy.

वार्तालय संत्रालय

(मुख्य नियन्त्रक आयात एवं निर्यात का कार्यालय)
आदेश

नई दिल्ली, 21 मई, 1983

का० आ० 2425—मर्दश्री भारतीय इस्पात प्राधिकरण लिं. (राउरकेला स्टील प्लांट) को मृक्त विदेशी मुद्रा के अन्तर्गत हाई रिवर्सिंग कोल्ड मिल्क के आयात के लिए 2,72,65,737 रुपए (दो करोड़ बहतर लाख पैसठ हजार सात सौ सौ रुपयों रुपए) का एक आयात लाइसेंस सं०

आई/सी जी/2034575/सी एक्स/72/एच/79/सी जी 2/एल एस दिनांक 21-8-79 प्रदान किया गया था।

फर्म ने उपर्युक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की गूल सीमा शुल्क प्रयोजन प्रति खो गई या अस्थानस्थ हो गई है। आगे यह बताया गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति बम्बई सीमा शुल्क प्राधिकारी के पास पंजीकृत नहीं थी और इस प्रकार सीमा शुल्क प्रयोजन प्रति को आंशिक रूप से उपयोग किया गया गया है।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने उदितनगर के पन पोश कार्यकारी जिलाधीश के सम्मुख विधिवत् साक्षांकित स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि आयात लाइसेंस सं० आई/सी जी/ 2034575 दिनांक 21-8-79 की मूल सीमा शुल्क प्रयोजन प्रति फर्म से अस्थानस्थ हो गई है। यथा संशोधित आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-1955 के उपर्युक्त 9 (सीसी) के अन्तर्गत प्रदल अधिकारों का प्रयोग करते हुए सेल (आर एस पी) राउरकेला को जारी की गई उक्त मूल सीमा शुल्क प्रयोजन प्रति सं० आई/सी जी/ 2034575 दिनांक 21-8-79 एतद्वारा रद्द की जाती है।

3. उक्त लाइसेंस को अनुलिपि सीमा शुल्क प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है। वह धनराशी जिसके लिए अनुलिपि सीमा शुल्क प्रति की आवश्यकता है वह 54,53,147 रु० है।

[सं० सीजी-2/स्टील/15-16/79-80]

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports & Exports)

ORDERS

New Delhi, the 21st May, 1983

S.O. 2425.—M/s. Steel Authority of India Ltd. (Rourkela Steel Plant) Rourkela, were granted an import licence No. I/CG/2034575/C/XX/72/H/79/CG, II/LS dated 21-8-79 for Rs. 2,72,65,737 (Rupees Two Crores Seventy two lakhs sixty five thousand seven hundred and thirty seven only) for import of High Reversing Cold Milk under free foreign exchange.

The firm has applied for issue of Duplicate copy of Customs purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the licence was not registered with Bombay Customs Authority and as such the value of Customs Purpose Copy has been utilised partly.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Executive Magistrate Pan Posh at Uditnagar. I am accordingly satisfied that the original Customs Purposes copy of import Licence No. I/CG/2034575 dated 21-8-79 has been misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purposes copy No. I/CG/2034575 dated 21-8-79 issued to M/s. SAIL (RSP) Rourkela is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately for the amount for which the duplicate Custom copy is required i.e. Rs. 54,53,147.

[No. CG. II/Steel/15-16/79-80]

का०पा० 2426.—सर्वश्री भारतीय इस्पात प्राधिकरण लि० (आर एस पी) राउरकेला को मुक्त विदेशी मुद्रा के अन्तर्गत हाई रिवर्सिंग कोल्ड मिल के आयात के लिए 75,06,013 रुपए (पचासठतर लाख छः हजार तेरह रुपए केबल) का एक आयात लाइसेंस सं० आई/सी जी/2034576/सी/एक्स एक्स 72/एच/79/सी जी 2/एल एस दिनांक 21-8-79 प्रदान किया गया था।

फर्म ने उपर्युक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति खो गई या अस्थानस्थ हो गई है। आगे यह बताया गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति बम्बई सीमा शुल्क प्राधिकारी के पास पंजीकृत नहीं थी और इस प्रकार सीमा शुल्क प्रयोजन प्रति को आंशिक रूप से उपयोग किया गया गया है।

2. अपने तर्क के समर्थन में, लाइसेंसधारी ने उदितनगर के पन पोश कार्यकारी जिलाधीश के सम्मुख विधिवत् साक्षांकित स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ, कि आयात लाइसेंस सं० आई/सी जी/ 2034576 दिनांक 21-8-79 की मूल सीमा शुल्क प्रयोजन प्रति फर्म से अस्थानस्थ हो गई है। यथा संशोधित आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-1955 के उपर्युक्त 9 (सीसी) के अन्तर्गत प्रदल अधिकारों का प्रयोग करते हुए सेल (आर एस पी) राउरकेला को जारी की गई उक्त मूल प्रति सीमा शुल्क प्रयोजन प्रति सं० आई/सी जी/ 2034576 दिनांक 21-8-79 एतद्वारा रद्द की जाती है।

3. उक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति पार्टी को अलग रो जारी की जा रही है। वह धनराशी जिसके लिए अनुलिपि सीमा शुल्क प्रति की आवश्यकता है वह 21,88,002 रु० है।

[सं० सी जी-2 स्टील/15-16/79-80]

S.O. 2426.—M/s. Steel Authority of India Ltd. (RSP), Rourkela were granted an import licence No. I/CG/2034576/C/XX/72/H/79/CG, II/LS dated 21-8-79 for Rs. 75,06,013 (Rupees Seventy five lakhs six thousand and thirteen only), for import of High Reversing Cold Milk under Free Foreign Exchange.

The firm has applied for issue of Duplicate Copy of Customs purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the licence registered with Bombay Customs Authority and as such the value of Customs Purpose copy has been utilized partly.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Executive Magistrate Pan Posh at Uditnagar. I am accordingly satisfied that the original Customs Purposes copy of import Licence No. I/CG/2034576 dated 21-8-79 has been misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955

dated 7-12-1955 as amended the said original Customs purposes copy No. I/CG/2034576 dated 21-8-79 issued to M/s. SAIL (RSP) Rourkela is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued to the party separately for the amount for which the duplicate Custom copy is required i.e. Rs. 21,88,002.

[No. CG. II/Steel/15-16/79-80]

आ०आ० 2427.—सर्वंशी भारतीय इस्पात प्राधिकरण लि०
(आरएसपी) राउरकेला को मुक्त विवेशी मुद्रा के अन्तर्गत बिल्ड एप एड्साइड ट्रिम लाइन के आयात के लिए 1,15,75,461 रुपए (एक करोड़ पचाश हजार चार सौ इक्सठ रुपए मात्र) का एक आयात लाइसेंस सं० आई/सीजी/2034577/सी/एक्सएम्प/72/एच/79/सीजी 2/एल एस दिनांक 21-8-79 प्रदान किया गया था ।

फर्म ने उपर्युक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति खो गई या अस्थानस्थ हो गई है । आगे यह बताया गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति बम्बई सीमा शुल्क प्रधिकारी के पास पंजीकृत नहीं थी और इस प्रकार सीमा शुल्क प्रयोजन प्रति को आंशिक रूप से उपयोग किया गया है ।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने उदितनगर के पान पोश कार्यकारी जिलाधीश के सम्मुख विधिवत् साक्षात्कार स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है । तदनुसार मैं संतुष्ट हूं कि आयात लाइसेंस सं० आई/सीजी/2034577 दिनांक 21-8-79 की मूल सीमा शुल्क प्रयोजन प्रति फर्म से अस्थानस्थ हो गई है । यथा संशोधित आयात (नियन्त्रण) आदेश 1955 दिनांक 7-12-1955 के उप खंड 9 (सीसी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए सेल (आरएसपी) राउरकेला को जारी की गई उक्त मूल सीमा शुल्क प्रयोजन प्रति सं० आई/सीजी/2034577 दिनांक 21-8-79 एतद् द्वारा रद्द की जाती है ।

3. उक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है । वह धनराशि जिसके लिए अनुलिपि सीमा शुल्क प्रति की आवश्यकता है वह 23,35,060 रु० है ।

[सं० सीजी-2/स्टील/15-16/79-80]

S.O. 2427.—M/s. Steel Authority of India Ltd. (RSP) Rourkela were granted an import licence No. I/CG/2034577/C/XX/72/H/79/CG. II/LS dated 21-8-79 for Rs. 1,15,75,461 (Rupees One Crore Fifteen lakh seventy five thousand four hundred and sixty one only.) for import of Build up and side trim line under Free Foreign Exchange.

The firm has applied for issue of Duplicate copy of Customs purposes copy of the above mentioned licence on the ground that the original Customs purpose copy of the licence has been misplaced. It has further been stated that the Customs purposes copy of the licence registered with Bombay Customs Authority and as such the value of Customs Purpose copy has been utilised partly.

2 In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Executive Magistrate Pan Posh at Uditnagar. I am accordingly satisfied that the original Customs Purpose copy of import licence No. I/CG/2034577 dated 21-8-79 has been misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purpose copy No. I/CG/2034577 dt. 21-8-79 issued to M/s. SAIL (RSP) Rourkela is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately, for the amount for which the duplicate custom copy is required i.e. Rs 23,35,060

[No. CG. III/Steel/15-16/79-80]

आ०आ० 2428.—सर्वंशी भारतीय इस्पात प्राधिकरण लि०
(आरएसपी) राउरकेला को मुक्त विवेशी मुद्रा के अन्तर्गत रियर एप साइड ट्रिम लाइन के आयात के लिए 91,84,837 रुपए (इक्यावने लाख चौरासी हजार आठ सौ सैंतीस रुपए) का एक आयात लाइसेंस सं० आई/सीजी/2034578/सी/एक्सएस/एच/79/सीजी 2/एल एस/दिनांक 21-8-79 प्रदान किया गया था ।

फर्म ने उपर्युक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति खो गई या अस्थानस्थ हो गई है । आगे यह बताया गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति बम्बई सीमा शुल्क प्रधिकारी के पास पंजीकृत नहीं थी और इस प्रकार सीमा शुल्क प्रयोजन प्रति को आंशिक रूप से उपयोग किया गया है ।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने उदितनगर के पान पोश कार्यकारी जिलाधीश के सम्मुख विधिवत् साक्षात्कार स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है । तदनुसार मैं संतुष्ट हूं कि आयात लाइसेंस सं० आई/सीजी/2034578 दिनांक 21-8-79 की मूल सीमा शुल्क प्रयोजन प्रति फर्म से अस्थानस्थ हो गई है । यथा संशोधित आयात (नियन्त्रण) आदेश 1955 दिनांक 7-12-1955 के उप खंड 9(सीसी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए सेल (आरएसपी) राउरकेला को जारी की गई उक्त मूल सीमा शुल्क प्रयोजन प्रति सं० आई/सीजी/2034578 दिनांक 21-8-79 एतद् द्वारा रद्द की जाती है ।

3. उक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है । वह धनराशि जिसके लिए अनुलिपि सीमा शुल्क प्रति की आवश्यकता है वह 18,36,967 रु० है ।

[सं० सीजी-2/स्टील/15-16-79-80]

S.O. 2428.—M/s. Steel Authority of India Ltd. (RSP) Rourkela were granted an import licence No. I/CG/2034578/C/X/72/H/79/CG II/LS dated 21-8-79 for Rs. 91,84,837 (Rupees Ninety One Lakhs eighty four thousand eight hundred and thirty even only) for import of Repair and Side Trim Line under free foreign exchange.

The firm has applied for issue of Duplicate copy of Customs purposes copy of the above mentioned licence on

the ground that the original Customs purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the licence registered with Bombay Customs Authority and as such the value of Customs Purpose copy has been utilised partly.

2. In support of their contention, the licensee has filed an affidavit on stamped Paper duly sworn in before a Executive Magistrate Pan Posh Uditnagar. I am accordingly satisfied that the original Customs Purposes copy of import licence No. I/CG/2034578 dated 21-8-79 has been misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purposes copy No. I/CG/2034578 dt. 21-8-79 issued to M/s. SAIL (RSP) Rourkela is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately, for the amount for which the duplicate custom copy is required i.e. Rs. 18,36,967.

[No. CG. II/Steel/15-16/79-90]

का०आ० 2429 .—सर्वश्री भारतीय इस्पात प्राधिकरण लि० (राउरकेला स्टील प्लॉट) राउरकेला को मुक्त विदेशी मुद्रा के अन्तर्गत कट टू लैन्य लाइन के आयात के लिए 71,47,098 रुपए (इकहजार लाख सैतालीस हजार अट्ठानवे रुपए) का एक आयात लाइसेंस सं० आई/सीजी/2034579/सी/एसएस/72/एच/79/सीजी2/एल एम दिनांक 21-8-79 प्रदान किया गया था।

फर्म ने उपर्युक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति खो गई या अस्थानस्थ हो गई है। आगे यह बताया गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति बम्बई सीमा शुल्क प्राधिकारी के पास पंजीकृत नहीं थी और इस प्रकार सीमा शुल्क प्रयोजन प्रति का आंशिक रूप से उपयोग किया गया है।

2. अपने तर्क के समर्थन में, लाइसेंसधारी ने उदितनगर के पान पौश कार्यकारी जिलाधीश के सम्मुख विधिवत् साक्षात्-कित स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि आयात लाइसेंस सं० आई/सीजी/2034579 दिनांक 21-8-79 की मूल सीमा शुल्क प्रयोजन प्रति फर्म से अस्थानस्थ हो गई है। यथा संशोधित आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-1955 के उपर्युक्त 9(सीसी) के अन्तर्गत प्रवत्त अधिकारों का प्रयोग करते हुए सेल (आर एस पी) राउरकेला को जारी की गई उक्त मूल सीमा शुल्क प्रयोजन प्रति सं० आई/सीजी/2034579 दिनांक 21-8-79 एतद्वारा रद्द की जाती है।

3. उक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है। वह धनराशि जिसके लिए अनुलिपि सीमा शुल्क प्रति की आवश्यकता है वह 14,29,420 रु० है।

[सं० सीजी-2/स्टील/15-16/79-80]

S.O. 2429.—M/s. Steel Authority of India Ltd. (Rourkela Steel Plant) Rourkela, were granted an import licence No. I/CG/2034579/C/XX/72/H/79/CG, II/LS dated 21-8-79 for Rs. 71,47,098 (Rupees Seventy One lakhs forty seven thousand and ninety eight only) for import of Cut-to length line under free foreign exchange.

The firm has applied for issue of Duplicate Customs purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been misplaced. It has further been stated that the Customs purposes copy of the licence registered with Bombay Customs Authority and as such the value of Customs purposes copy copy has been utilised partly.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Executive Magistrate Pan Posh at Uditnagar. I am accordingly satisfied that the original Customs Purposes copy of import licence No. I/CG/2034579 dated 21-8-79 has been misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purposes copy No. I/CG/2034579 dated 21-8-79 issued to M/s. SAIL (RSP) Rourkela is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately, for the amount for which the duplicate custom purpose copy is required i.e. Rs. 14,29,420.

[No. CG. II/Steel/15-16/79-80]

का०आ० 2430 .—सर्वश्री भारतीय इस्पात प्राधिकरण लि० (आरएसपी) राउरकेला को मुक्त विदेशी मुद्रा के अन्तर्गत मिटिंग लाइन्स के आयात के लिए 1,65,33,857 रु० (एक करोड़ बैसठ लाख तैतीस हजार अठ सौ सतावन रुपए) का एक आयात लाइसेंस सं० आई/सीजी/2034580/सी/एसएस/72/एच/79/सीजी-2/एलएम दिनांक 21-8-79 प्रदान किया गया था।

फर्म ने उपर्युक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति खो गई या अस्थानस्थ हो गई है। आगे यह बताया गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति बम्बई सीमा शुल्क प्राधिकारी के पास पंजीकृत नहीं थी और इस प्रकार सीमा शुल्क प्रयोजन प्रति की आंशिक रूप से उपयोग किया गया है।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने उदितनगर के पान पौश कार्यकारी जिलाधीश के सम्मुख विधिवत् साक्षात्-कित स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि आयात लाइसेंस सं० आई/सीजी/2034580 दिनांक 21-8-79 की मूल सीमा शुल्क प्रयोजन प्रति फर्म से अस्थानस्थ हो गई है। यथा संशोधित आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-1955 के उपर्युक्त 9(सीसी) के अन्तर्गत प्रदल्त अधिकारों का प्रयोग करते हुए सेल (आरएसपी) राउरकेला को जारी की गई उक्त मूल सीमा शुल्क प्रयोजन प्रति सं० आई/सीजी/2034580 दिनांक 21-8-79 एतद्वारा रद्द की जाती है।

3. उक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है। वह धनराशि जिसके लिए अनुलिपि सीमा शुल्क प्रति की आवश्यकता है वह 33,06,771 रु० है।

[सं० सीजी-2/स्टील/15-16/79-80]

S.O. 2430.—M/s. Steel Authority of India (RSP) Rourkela, were granted an import licence No. I/CG/2034580/C/XX/72/H/79/CG. II/LS dated 21-8-79 for Rs. 1,65,33,878 (Rupees One Crore Sixty Five lakh thirty three thousand eight hundred and fifty seven only) for import of shitting lines under free foreign exchange.

The firm has applied for issue of Duplicate Customs purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been misplaced. It has further been stated that the Customs purposes copy of the licence registered with Bombay Customs Authority and as such the value of Customs Purpose copy has been utilised partly.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before an Executive Magistrate Pan Posh at Udit Nagar. I am accordingly satisfied that the original Customs Purposes copy of import licence No. I/CG/2034580 dated 21-8-79 has been misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purposes copy No. I/CG/2034580 dated 21-8-79 issued to M/s. SAIL (RSP) Rourkela is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately, for the amount for which the duplicate custom purpose copy is required i.e. Rs. 33,06,771.

[No CG. II/Steel/15-16/79-80]

कांग्रेस 2431—सर्वश्री भारतीय इस्पात प्राधिकरण निः (आराम्सपी) राउरकेला को मूल बिदेशी मुद्रा के अन्तर्गत कालिक लाइन के आयात के लिए 4,45,47,439/- रुपए (चार करोड़ पैंताली लाख मैताली हजार चार सौ उनताली रुपए) का एक आयात लाइसेंस सं. आई/मीजी/2034582/सी/एक्साएम/72/ग्र/79/मीजी-2/एलए. दिनांक 21-8-79 प्रदान किया गया था।

फर्म ने उपर्युक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति यो गई या अस्थानस्थ हो गई है। आगे यह बताया गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति बम्बई सीमा शुल्क प्राधिकारी के पास पंजीकृत नहीं थी और इस प्रकार गोपा शुल्क प्रयोजन प्रति का आंशिक रूप में उपयोग किया गया है।

2. अपने तर्क के समर्थन में, लाइसेंसधारी ने उदितनगर के पान पोस्ट कार्यकारी जिलाधीश के सम्मुख विधिवत् साक्षांकित स्टाम्प कागज पर शपथ पत्र दाखिल किया है। तदानुसार मैं मंतुष्ट हूँ कि आयात लाइसेंस सं. आई/मीजी/2034582 दिनांक 21-8-79 की मूल सीमा शुल्क प्रयोजन प्रति फर्म से अस्थानस्थ हो गई है। यथा संशोधित आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-1955 के उपर्युक्त 9(मीमी) के अन्तर्गत प्रदत्त अधिकारी का प्रयोग करने हुए सेन (आराम्सपी) राउरकेला को जारी की गई उक्त मूल सीमा शुल्क प्रयोजन प्रति सं. आई/मीजी/2034582 दिनांक 21-8-79 एतद्वारा रद्द की जानी है।

3. उक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है। वह घनराशी

जिसके लिए अनुलिपि सीमा शुल्क प्रति की आवश्यकता है वह 92,05,238 — रुपए है।

[सं. सर्जी-2/स्टाल/15-16/79-80]

S.O. 2431.—M/s. Steel Authority of India Ltd. (RSP) Rourkela were granted an import licence No. I/CG/2034582/C/XX/72/H/79/CG. II/LS dated 21-8-79 for Rs. 4,45,47,439 (Rupees Four crores forty five lakhs forty seven thousand four hundred and thirty nine only) for import of Coalik Line under free foreign exchange.

The firm has applied for issue of Duplicate copy of Customs purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the licence has been misplaced. It has further been stated that the Customs purposes copy of the licence registered with Bombay Customs Authority and as such the value of Customs Purpose copy has been utilised partly.

2. In support of their contention the licensee has filed an affidavit on stamped paper duly sworn in before an Executive Magistrate Pan Posh at Uditnagar. I am accordingly satisfied that the original Customs Purposes copy of import licence No. I/CG/2034582 dated 21-8-79 has been misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purposes copy No. I/CG/2034582 dated 21-8-79 issued to M/s. SAIL (RSP) Rourkela is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately, for the amount for which the duplicate custom purpose copy is required i.e. Rs. 92,05,238

[No CG. II/Steel/15-16/79-80]

कांग्रेस 2432.—सर्वश्री भारतीय इस्पात प्राधिकरण निः (आराम्सपी) राउरकेला को यूके/भारत मिश्नित परियोजना अनुदान 1978 के अन्तर्गत आमीजन रिफाईर्निंग एंड डिगार्सिंग यूनिट के आयात के लिए 2,78,00,000 — रुपए (दो करोड़ अट्टहत्तर लाख रुपए) का एक आयात लाइसेंस मं. आई/मीजी/2034584/आर/एक्साएम/72/ग्र/79/मीजी-2/एलए. दिनांक 21-8-79 प्रदान किया गया था।

फर्म ने उपर्युक्त लाइसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति यो गई या अस्थानस्थ हो गई है। आगे यह बताया गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति बम्बई सीमा शुल्क प्राधिकारी के पास पंजीकृत नहीं थी और इस प्रकार सीमा शुल्क प्रयोजन प्रति का आंशिक रूप से उपयोग किया गया है।

2. अपने तर्क के समर्थन में, लाइसेंसधारी ने उदितनगर के पान पोस्ट कार्यकारी जिलाधीश के सम्मुख विधिवत् साक्षांकित स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है। तदानुसार मैं मंतुष्ट हूँ कि आयात लाइसेंस मं. आई/मीजी/2034581 दिनांक 21-8-79 की मूल सीमा शुल्क प्रयोजन प्रति फर्म से अस्थानस्थ हो गई है। यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 के उपर्युक्त 9(मीमी) के अन्तर्गत प्रदत्त अधिकारी का प्रयोग करने हुए सेन (आराम्सपी) राउरकेला को जारी की गई उक्त मूल सीमा शुल्क प्रयोजन प्रति सं. आई/मीजी/2034584 दिनांक 21-8-79 एतद्वारा रद्द की जानी है।

3. उक्त लाइसेन्स की अनुलिपि सीमा शुल्क प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है। वह धनराशी जिसके लिए अनुलिपि सीमा शुल्क प्रति की आवश्यकता है वह 58,52,276— रु है।

[स० सीजी-2/स्टील/15-16/79-80]
ग्राहक चन्द्र, उप मुख्य नियंत्रक, आयात एवं निर्यात
कृते मुख्य नियंत्रक, आयात एवं निर्यात

S.O. 2432.—M/s. Steel Authority of India (RSP) Rourkela were granted an import licence No. I/CG/2034584/R/KK/72/H/79/CG. IIJLS dated 21-8-79 for Rs. 2,78,00,000 (Rupees Two Crores and seventy eight lakhs only) for import of equipment for oxygen Refining and Degassing Unit under UK/India Mixed Project Grant 1978.

The firm has applied for issue of Duplicate Customs purposes copy of the above mentioned licence on the ground that the original Customs purposes copy of the

licence has been misplaced. It has further been stated that the Customs purposes copy of the licence registered with Bombay Customs Authority and as such the value of Customs Purpose copy has been utilised partly.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Executive Magistrate Pan Post at Uditnagar. I am accordingly satisfied that the original Customs Purposes copy of import licence No. I/CG/2034584 dated 21-8-79 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purposes copy No. I/CG/2034584 dated 21-8-79 issued to M/s SAIL (RSP) Rourkela is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately, for the amount for which the duplicate custom copy is required i.e. Rs. 58,52,276.

[No. CG. II/Steel/15-16/79-80]
SHANKAR CHAND, Dy. Chief Controller
of Imports and Exports

नागरिक पूर्ति मंत्रालय

भारतीय मानक संस्था

नई दिल्ली, 4 मई, 1983

का० आ० 2433— सभय ममय पर मंशोधित भारतीय मानक मंस्था (प्रमाणन चिन्ह) के विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार अधिसूचित किया जाता है कि लाइसेन्स मंस्था (सी एम/एल-669767, 0669868, 0669969) जिनके ब्यौरे नीचे अनुसूची में दिए गए हैं लाइसेन्सधारी के अपने अनुरोध पर 15 दिसम्बर 1982 से रद्द कर दिया गया है।

क्रम सं०	लाइसेन्स मंस्था	लाइसेन्सधारी का नाम एवं तिथि	रद्द किए गए लाइसेन्स के अधीन वस्तु/प्रक्रिया	तत्संबंधी भारतीय मानक
(1)	(2)	(3)	(4)	(5)
1.	06697-67	मिसर्स जय कैमिकल्स 14/1 मथुरा रोड, करीदाबाद 78-02-01	डी डी टी धूलन चूर्ण	IS : 564-1975 डी डी टी धूलन चूणों की विशिष्ट (दूसरा पुनरीक्षण)
2.	06698-68	" 78-02-01	कार्बोराइट धूलन चूर्ण	IS : 7122-1973 कार्बोराइट धूलन चूण की विशिष्ट
3.	06699-69	" 78-02-01	एन्ड्रिन धूलन चूर्ण	IS : 1308-1974 एन्ड्रिन धूलन चूणों की विशिष्ट (पहला पुनरीक्षण)

]मं० सी एम डी/55 : 0669767]

MINISTRY OF CIVIL SUPPLIES

INDIAN STANDARDS INSTITUTION

New Delhi, the 4th May, 1983

S.O.—2433 :—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulation 1955 as amended from time to time, the Indian Standards Institution hereby notifies that licence Nos. (CM/L-6697 67, 06698 68, 06699 69) particulars of which are given below has been cancelled with effect from Fifteenth December, One thousand nine hundred & eighty two.

SCHEDULE

Sl. No.	Licence No. & Date	Name and Address of the licensee	Article/Process Covered by the licence Cancelled	Relevant Indian Standards
1. 06697-67 78-02-01	M/s. Jai Chemicals, 14/1, Mathura Road, Farridabad.	DDT DP	IS : 564—1975 Specification for DDT Dusting Powders— (Second Revision)	
2. 06698-68 78-02-01	-do-	Carbaryl DP	IS : 7122—1973 Specification for Carbaryl Dusting Powders—	
3. 06699-69 76-02-01	-do-	Aldrin DP	IS : 1308—1974 Specification for Aldrin Dusting Powders (First Revision)	

[CMD/55:0669767]

नई दिल्ली, 11 मई, 1983

क्रांतिा 2434—समय समय पर मशोधित भारतीय मानक संस्था (प्रमाणग्रन्थ चिन्ह) के विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार अधिसूचित किया जाता है कि लाइसेंस मध्यमी एम/एल-0807854 जिसके ब्यौरे नीचे अनुसूची में दिए गए हैं लाइसेंसधारी के अपने अनुरोध पर 83-02-01 से रद्द कर दिया गया है।

अनुसूची

क्रम सं०	लाइसेंस संख्या व तिथि	लाइसेंसधारी का नाम व पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	तत्संबंधी भारतीय मानक
1	2	3	4	5
1. सी एम/एल-0807854 1979-10-18	मैसर्स गाथा गारमेंट्स तिरुपुर 638602 (तमில்நாடு)	1 (बी) ब्रिजवे कालोनी साहज 40 सेमी से 100 सेमी 75 सेमी ने 100 सेमी तक	सादी बुनाई वाली वनियाने टाइप गोल गले और गोल गले बाजू वाली गोल गले और गोल गले बाजू वाली	IS : 4964-1780 सादी बुनाई वाली सूती बनि- यानों की विणिष्ठ(दूसरा पुनरीक्षण) [सी.एम.डी.ओ/55 : 0807854] ए.पी.ओ बनर्जी, अपर महानिदेशक

New Delhi, the 11th May, 1983

S.O. 2434.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks). Regulation 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L-0807854 particulars of which are given in the Schedule below has been cancelled with effect from 83-02-01 at the request of the licensee.

SCHEDULE

Licence No. and date	Name & Address of the Licensee	Article/Process Covered by the Licence Cancelled	Relevant Indian Standard
1	2	3	4
CM/L-0807854 1979-10-18	M/s Geetha Garments, I(B), Bridgeway Colony, Tirupur-638602 (Tamil Nadu)	Plain knitted Cotton Vests : Size Type Gauge	IS : 4964—1980 Specification for Plain knitted cotton vests (Second Revision)
		40 cm to 100 cm	RN & RNS 24
		75 cm to 100 cm	RN & RNS 26

[CMD/55-0807854]

A.P. BANERJI, Additional Director General.

ऊर्जा मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 13 मई, 1983

का०आ० 2435.—यह: भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और ब्रिनिज पाइपलाइन (भूमि) के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाणा नेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में व्यवस्था स्थल नं० एमएन के सामने एत तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

नेल एवं प्राकृतिक गैस आयांग ने उपर्युक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 24-1-80 से समाप्त कर दिया गया है।

अब अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-1 के अन्तर्गत सभी अधिकारों एवं द्वारा उक्त तिथि का समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

एस एन के से एस एन एन तक पाइप लाइन कार्य समाप्ती

मंत्रालय का नाम	का०आ० भारत के कार्य	स० राजपत्र में समाप्ति	प्रकाशन की की तिथि	नियम
ऊर्जा मंत्रालय पेट्रोलियम विभाग	कसलपुरा	1356	3-4-82	24-1-80

[स० 12016/36/81/प्र०ड-I]

MINISTRY OF ENERGY

(Dept. of Petroleum)

New Delhi, the 13 May, 1983

S.O. 2435.— Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s SNK to SNN in Mehsana oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission terminated the operations referred to in clause

(i) of sub section (1) of section 7 of the said Act on 24-1-80.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of pipeline from D.S. SNK to SNN

Name of Ministry	Villages	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy	Kasalpura	1356	3-4-82	24-1-80

[No. 12016/36/81-Prod-I]

का०आ० 2436.—यह: भारत सरकार की अधिसूचना के द्वारा यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और ब्रिनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के अकलेश्वर नेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में व्यवस्था स्थल स० कूप नं० 88 से बुथ नं० 3 तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं।

नेल एवं प्राकृतिक गैस आयांग ने उपर्युक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 18-8-82 से समाप्त कर दिया गया है।

अब अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-१ के अन्तर्गत सभी अधिकारों एवं द्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

कूप नं० 88 से बुथ नं० 3 तक पाइप लाइन कार्य समाप्ती

मंत्रालय का नाम	गांव	का.आ.सं. भारत के कार्य	गजपत्र में समाप्ति	प्रकाशन की की तिथि
ऊर्जा मंत्रालय पेट्रोलियम विभाग	अडोन	4318	25-12-82	18-8-82

[स० 12016/62/81-प्र०ड-पाँ० I]

S.O. 2436.—Whereas by the notification of Government of India as shown in the Schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. Well No. 88 to Booth No. 3 in Ankleshwar oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 18-8-82.

Now therefore under Rule 4 of the Petroleum, Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of pipeline from D.S.

Well No. 88 to Booth No. 3

Name of Ministry	Villages	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy	Adol	4318	15-12-82	18-8-82 [No. 12016/62/81-Prod-Pt-I]

को. ०४३७.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के अंकलेश्वर तेल थोड़े में उक्त विनिर्दिष्ट भूमि में व्यव्हन स्थल सं. ८१ से कृप नं. ८१ से बुध नं. २ तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 10-1-83 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत मक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

मंत्रालय का नाम	गांव	का.आ.म. भारत के गजपत्र में समाप्ति प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय	डिगस	2156 12-6-82	10-1-83 [मं. 12016/62/81/प्रोड]

S.O. 2437.—Whereas by the notification of Government of India as shown in the Schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. Well No. 81 to Booth No. 2 in Ankleshwar oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act of 10-1-83.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of pipeline from D.S.
Well No. 81 to Booth No. 2

Name of Ministry	Villages	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy	Digas	2156	12-6-82	10-1-83 [No. 12016/62/81-Prod.]

नई दिल्ली 16 मई, 1983

को. ०४३८.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाणा तेल थोड़े में उक्त विनिर्दिष्ट भूमि में व्यव्हन स्थल सं. १०३.इ.ओ. से सोमासण जीजीएस-२ तक पेट्रोलियम परिवहन के लिए भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड 7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 1-3-81 से समाप्त कर दिया गया है।

अन: अब पैट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

एस.इ.ओ. से तोमासण. जी जी एसII तक पाइपलाइन कार्य समाप्त

मंत्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में समाप्ति प्रकाशन की तिथि की तिथि
ऊर्जा मंत्रालय पैट्रोलियम विभाग	जगुरुण	3202	11-9-82 1-3-81

[सं. 12016/73/81/प्रोड-II]

New Delhi, 16th May, 1983

S.O. 2438.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. SEO to SOB. Ghs II in Mehsana oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 1-3-81.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of pipeline from D.S. S.E.O. to Sob. Ghs-II.

Name of Ministry	Villages	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy	Jagudan	3202	11-9-82	1-3-81

[No. 12016/73/81-Prod-II]

का.आ.सं. 2439.—यत. भारत सरकार को अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के अंकलेश्वर तेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में व्याधन स्थल सं. एम०टी०बी० से उन्न० एम०बी० तक पैट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 21-7-82 से समाप्त कर दिया गया है।

अन. अब पैट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुसूची

एम०टी०बी० से उन्न० एम०बी० तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का.आ.सं.	भारत के राजपत्र में प्रकाशन की तिथि
ऊर्जा मंत्रालय (पैट्रोलियम विभाग)	कनम	3583	16-10-82 21-7-82

[सं. 12016/13/82/प्रोड-I]

S.O. 2439.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. MTB to WMB in Ankleshwar oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 21-7-82.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE
Termination of operation of pipeline from D.S.
MTB to WMB

Name of Ministry	Villages	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy	Kalam	3583	16-10-82	21-7-82 [No. 12016/13/82-Prod-J]

का०आ० 2440.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुमूल्य में निर्दिष्ट किया गया है और पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है। गुजरात राज्य के मेहसाना तेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में व्यधन स्थल में एन०के०सी०आई० में जी०जी०ए०ए०कड़ी०१ तक पैट्रोलियम परिवहन के लिये भूमि में उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 6-6-80 से समाप्त कर दिया गया है।

अतः अब पैट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम प्राधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुमूल्य

एन०के०सी०आई० से जी०जी०ए०ए०कड़ी०१ तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का०आ० भारत के सं० राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा मंत्रालय भाटारीया (पैट्रोलियम विभाग)	भाटारीया	3196 11-9-82	6-6-80

[सं० 12016/69/81-प्रोड०]

S.O.2440.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport petroleum from d.s. NKCI to GGS Kadi-1 in Mehsana oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of subsection (1) of section 7 of the said Act on 6-6-80.

Now, therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963 the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE
Termination of operation of Pipeline from D.S. NKCI to GGS Kadi 1

Name of Ministry	Villages	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Petroleum, Chemicals & Fertilizer	Bhataria	3176	11-9-82	6-6-80

[No. 12016/69/81-Proc.]

का०आ० 2441.—यतः भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुमूल्य में निर्दिष्ट किया गया है और पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाना तेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में व्यधन स्थल सं० एन०के०ए०जै०१ से जी०जी०ए०ए०कड़ी०१ तक पैट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 10-4-81 से समाप्त कर दिया गया है।

अतः अब पैट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम प्राधिकारी एतद्वारा उक्त तिथि को कार्य समाप्ति की तिथि अधिसूचित करते हैं।

अनुमूल्य

एन०के०ए०जै०१ से जी०जी०ए०ए०कड़ी०१ तक पाइप लाइन कार्य समाप्ति

मंत्रालय का नाम	गांव	का०आ० भारत के सं० राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की तिथि
ऊर्जा, मंत्रालय तेलावी (पैट्रोलियम विभाग)	तेलावी	3201 11-9-82	10-4-81

[सं० 12016/71/81-प्रोड०-II]

S.O.2441—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1982 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. NKAZ to GGs Kadi I in Mehsana oilfield in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 10-4-81.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date termination of operation to above.

SCHEDULE

Termination of operation of Pipelines from D.S. NKAZ to GGs Kadi I

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy	Telari	3201	11-9-82	10-4-81

[No. 12016/71/81-Prod-II]

नई दिल्ली, 17 मई, 1983

कांस्त्रा० 2442—यतः भारत सरकार की अधिसूचना के द्वारा जैमा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के अंकलेश्वर तेल थोक में उक्त विनिर्दिष्ट भूमि में व्यवस्था स्थल सं० एम०टी०ई० में मोटवान हीड़र तक पैट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 10-5-81 से समाप्त कर दिया गया है।

अनु: अब पैट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सभी अधिकारी एवं द्वारा उक्त तिथि को कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

प्रावालय का नाम	ग्राम सं०	कांस्त्रा० भारत के राज्य में प्रकाशन की तिथि	भारत के राज्य में प्रकाशन की तिथि
कर्जी मंत्रालय अदादरा	656	29-1-83	10-5-81

[No. 12016/5/81-Prod-II]

New Delhi, the 17th May, 1983

S.O.2442—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. SDE to Motwan Header in Ankleshwar oilfield in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 10-5-81.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of Pipeline from D.S. SDE to Motwan Header

Name of Ministry	Villages	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy	Adadora	656	29-1-83	10-5-81

[No. 12016/5/81/Prod]

कांस्त्रा० 2443—यतः भारत सरकार की अधिसूचना के द्वारा जैमा कि यहाँ संलग्न अनुसूची में निर्दिष्ट किया गया है और पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाना नेल थोक में उक्त विनिर्दिष्ट भूमि में व्यवस्था स्थल सं० पञ्चम सोमावास 1 में मोभासन जीजी एम 1 तक पैट्रोलियम परिवहन के लिये भूमि उपयोग के अधिकार अर्जित किये गये हैं।

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के छठे 7 के उपखण्ड (1) की धारा (1) में विनिर्दिष्ट कार्य दिनांक 8-4-80 से समाप्त कर दिया गया है।

अतः अब पेट्रोलियम पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सक्षम अधिकारी एतद्वारा उक्त तिथि को कार्य समाप्त की नियम अधिसूचित करते हैं।

अनुसूची

पचिसम प्रभासन-1 से सोभासन जीजीएस-1 तक पाइप लाईन कार्य समाप्ति

मंत्रालय का नाम	गांव	का०आ० में	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति की सिथि
ऊर्जा मंत्रालय (पेट्रोलियम विभाग)	हेडवा हनमंत	658	29-1-83	8-4-80

[सं० 12016/7/81/प्रोड-II]

S.O.2443.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub section (1) of section 6 of the Petroleum & Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. West Sob. I to GGs1 Sob in Mehsana oil field in Gujarat State.

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 8-4-80.

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of pipeline from D.S. West Sob. 1 to GGs I Sob.

Name of Ministry	Villages	S.O. No.	Date of publication in Gazette of India	Date of termination of operation
Energy	Hedva Hanumant	658	29-1-83	8-4-80

[No. 12016/7/81-Prod-II]

नई दिल्ली, 17 मई, 1983

का०आ० 2444.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि सोरकाहत में यह आवश्यक है कि गुजरात राज्य में विरसगाम से सी०टी०एफ० कलोल तक पेट्रोलियम के परिवहन के लिये पाईपलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्वाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बासते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी करन करेगा कि क्या वह यह घाहता है कि उसकी मुनवाई व्यक्तिगत हो या किसी विधि अवसायी की मार्फत।

अनुसूची
विरसगाम से सी०टी०एफ० कलोल
राज्य: गुजरात जिला: मेहसाना तालुका: कड़ी

गांव	सर्वे नं०	हेक्टेयर	एआर०	सेन्टीयर
लक्ष्मनपुरा	464/6	0	00	45
	464/7	0	05	55
	464/8	0	06	15
	464/10	0	08	10
	464/2	0	10	95
	464/9	0	10	65
	463/4	0	07	05
	463/1	0	17	40
	463/2	0	22	50
	462/2	0	02	75
	462/1	0	01	25
	455/2	0	00	50
	455/1	0	19	00
	454	0	02	62
	456/1	0	02	63
	186/8	0	14	70
	186	0	27	30
	186/7ए	0	23	05
	186/7बी	0	17	40

1	2	3	4	5
	216	0	08	70
	261	0	08	70
	260	0	03	45
	259	0	10	95
	220	0	08	55
	258	0	07	35
	256	0	09	00
	255	0	06	00
	254	0	37	95
169/1		0	00	15
278		0	00	15
280/2		0	07	50
280/1		0	07	05
281		0	02	25
282		0	17	25
286		0	12	75
287		0	19	65
314		0	04	35
315/2		0	01	87
316/1		0	18	60
318		0	10	50

[सं० 12016/49/83-प्र०]

S.O. 2444.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Viramgam to CTF Nawagam in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipeline from Viramgam to C.T.F. Kalol
State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hec.	Are	Centi- tiare
Laxmipura	464/6	0	00	45
	464/7	0	05	55
	464/8	0	06	15
	464/10	0	08	10

1	2	3	4	5
	464/2	0	10	95
	464/9	0	10	65
	463/4	0	07	05
	463/1	0	17	40
	463/2	0	22	50
	462/2	0	02	75
	467/1	0	01	25
	455/2	0	00	50
	455/1	0	19	00
	454	0	02	62
	456/1	0	02	63
169/1	186/8	0	14	70
278	186	0	27	30
280/2	186/7/A	0	23	05
280/1	186/7/B	0	17	40
281	216	0	08	70
282	261	0	08	70
286	260	0	03	45
287	259	0	10	95
314	220	0	08	55
315/2	258	0	07	35
316/1	256	0	09	00
318	255	0	06	00
	254	0	37	95
	169/1	0	00	15
278	278	0	00	15
280/2	280/2	0	07	50
280/1	280/1	0	07	05
281	281	0	02	25
282	282	0	17	25
286	286	0	12	75
287	287	0	19	65
314	314	0	04	35
315/2	315/2	0	01	87
316/1	316/1	0	18	60
318	318	0	10	50

[No. 12016/49/83-Prod.]

नई दिल्ली, 18 मई, 1983

S.O. 2445.—यह भारत सरकार की अधिसूचना के द्वारा जैसा कि यहाँ संलग्न अनुसूची-प्र० में निर्दिष्ट किया गया है और पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम, 1962 के खण्ड 6 के उपखण्ड (1) के अन्तर्गत प्रकाशित किया गया है, गुजरात राज्य के मेहसाना तेल क्षेत्र में उक्त विनिर्दिष्ट भूमि में व्याधन स्थल सं० एस०पी०डी० से एन०के०डी०जी० तक पेट्रोलियम परिवहन के लिए भूमि उपयोग के अधिकार अर्जित किये गये हैं;

तेल एवं प्राकृतिक गैस आयोग ने उपर्युक्त नियम के खण्ड-7 के उपखण्ड (1) की धारा (i) में विनिर्दिष्ट कार्य दिनांक 3-4-81 से समाप्त कर दिया है।

अतः अब पेट्रोलियम पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम-4 के अन्तर्गत सदम प्रधिकारों एतद्वारा उक्त तिथि के कार्य समाप्त की तिथि अधिसूचित करते हैं।

अनुसूची

एम्प०टी०डी० से एन०क०डी०जी० तक पाईप लाईन कार्य की समाप्ति

मंत्रालय का नाम	गांव	का०आ० सं०	भारत के राजपत्र में प्रकाशन की तिथि	कार्य समाप्ति का तिथि
ऊर्जा मंत्रालय भटारिया (पेट्रोलियम विभाग)	3081	4-9-82	3-4-81	

[सं० 12016/67/81/प्र०ड० I]

New Delhi, the 18th May, 1983

S.O. 2445.—Whereas by the notification of Government of India as shown in the Schedule appended hereto and issued under sub-section 6 of the Petroleum & Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 the right of user has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from d.s. SPD to NKDG in Mehsana oilfield in Gujarat State;

And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub section (1) of section 7 of the said Act on 3-4-81;

Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of operation to above.

SCHEDULE

Termination of operation of Pipeline from D.S. SPD to NKDG

Name of Ministry	Villages	S.O. No.	Date of publication in the Gazette of India	Date of termination of operation
Energy Deptt. of Petroleum	Bhataria	3081	4-9-82	3-4-81

[No. 12016/67/81-Prod-I]

नई दिल्ली, 19 मई, 1983

का०आ० 2446.—यथा: पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का०आ० भ० 4325 तारीख 6-12-82 द्वारा

केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों ने उपयोग के अधिकार को पाईप लाईनों का बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था;

और यथा: सदम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार की रिपोर्ट दे दी है।

और आगे, यथा: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इन अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने से हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस सत्रीख को नियत होगा।

अनुसूची

सी०टी०एफ० कलोल से विरमगम तक पाईप लाईन बिछाने के लिए

राज्य: गुजरात जिला: अहमदाबाद तालुका: विरमगम

गांव	ब्लॉक नं०	हेक्टर	आर	सेन्टीयर
रंगपुर	8	0	20	25
	10	0	04	65
	9	0	28	50
कार्ट ट्रेक		0	01	05
	5	0	03	00
	28	0	27	90
	29	0	30	75
	27	0	05	85
कार्ट ट्रेक		0	01	20
	33	0	19	80
	32	0	17	55
	35	0	01	50
कार्ट ट्रेक		0	01	65
	75	0	24	30
कार्ट ट्रेक		0	02	25
	74	0	39	00
	73	0	07	65
	72	0	20	10
	71	0	06	75
	70	0	14	40
	69	0	36	00
	64	0	65	25

[सं० 12016/55/82-प्र०ड०]

New Delhi, the 19th May, 1983

S.O. 2446.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 4325 dated 6-12-82 under sub-section (1) of Section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from CTF Kalol to Viramgam

State : Gujarat District : Ahmedabad Taluka : Viramgam

Village	Block No.	Hec-tare	Are	Cen-tiare
Rangpur	8	8	20	25
	10	0	04	65
	9	0	28	50
	Cart Track	0	01	05
	5	0	03	00
	28	0	27	90
	29	0	30	75
	27	0	05	85
	Cart Track	0	01	20
	33	0	19	80
	32	0	17	55
	35	0	01	50
	Cart Track	0	01	65
	75	0	24	30
	Cart Track	0	02	25
	74	0	39	00
	73	0	07	65
	72	0	20	10
	71	0	06	75
	70	0	14	40
	69	0	36	00
	64	0	65	25

[No. 12016/55/82-Prod]

का०पा० 2447.—यतः केन्द्रीय सरकार को यह प्रतीत होता, कि लोकहित में यह आवश्यक है कि गुजरात राज्य में विमान से सी०टी०एफ० कलोल तक पेट्रोलियम के परिवहन के लिये पाईपलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और यतः यह प्रतीत होता है कि ऐसी लाईनों का बिछाने के प्रयोजन के लिये गुजरात अनुभूति में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) को धारा 3 को उपधारा (II) द्वारा प्रदत्त अक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है :

बायतः कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नोचे पाईप लाईन बिछाने के लिये आक्षेप मक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग मकरपुरा रोड, बडोदरा-9 का इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टता यह भी करन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की माफत ।

अनुसूची

विरमगांव से सी०टी०एफ० कलोल

राज्य : गुजरात जिला : मेहसाना तालुका : कड़ी

गांव	सर्वे नं०	हेक्टेयर	प्रार्द्ध	सेन्टी-अर
बामज	2115/1	0	21	00
	2115/श्री	0	10	05
	2116/2	0	04	65
	2115/०	0	12	00
	2083/6/1	0	06	45
	2083/6/3	0	06	90
	2083/6/2	0	03	30
	2083/2/1	0	06	15
	2083/4/2/1	0	10	20
	2085	0	08	55
	2086	0	11	70
	2087	0	18	90
	2088/2	0	09	00
	2089	0	04	20
	2092	0	23	10
	2093/2	0	03	05
	2094	0	13	30

[सं० 12016/45/83-प्रा०]

S.O. 2447.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Viramgam to CTF Nawagam in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land included in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the 1nd to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Pipelines from Viramgam to C.T.F. Kalol

State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hec-tare	Are	Centiare
Vamaj	2115/1	0	21	00
	2115/B	0	10	05
	2116/2	0	04	65
	2115/A	0	12	00
	2083/6/1	0	06	45
	2083/6/3	0	06	90
	2083/6/2	0	03	30
	2083/2/1	0	06	15
	2083/4/2/1	0	10	20
	2085	0	08	55
	2086	0	11	70
	2087	0	18	90
	2088/2	0	09	00
	2089	0	04	20
	2092	0	23	10
	2093/2	0	03	05
	2094	0	13	30

[No. 12016/45/83-Prod.]

कानूनां 2448—यह केन्द्रीय सरकार को यह शतीत होता है कि जोकिन में यह आवश्यक है कि गुजरात राज्य में विरमगाम से मी०टी०एफ० कलोल तक पैट्रोलियम के परिवहन के लिये पाईलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए;

और प्रा० यह प्रतान होता है कि ऐसी नाईनों को बिछाने के प्रयोजन के लिये एन्ट्रॉपाथ अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अनः अब पैट्रोलियम और खनिज पाईलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962

(1962 का 50) की धारा 3 की उपधारा (II) द्वारा प्रदन शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एन्ट्रॉपाथ घोषित किया है;

बास्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-१ को इस अधिसूचना की तारीख से 21 दिनों के भोतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई अवक्षिप्त होया किसी विधि व्यवसायी की माफत।

अनुसूची

विरमगाम से मी०टी०एफ० कलोल तक

राज्य : गुजरात जिला : मेहसाना तालुका : कलोल

गांव	ब्लाक नं०	हेस्टेपर	प्रा०आ०ई सेन्टी-		
			1	2	3
पलसाना	988		0	15	75
	992		0	19	10
	993		0	01	90
	1002		0	03	15
	1001		0	04	35
	999		0	06	30
	998		0	05	25
	978		0	00	75
	979		0	04	50
	977		0	06	15
	980		0	01	50
	कार्ट्टेक		0	00	75
	975		0	12	00
	974		0	04	05
	973		0	08	70
	965		0	04	95
	964		0	00	15
	966		0	03	20
	961		0	06	25
	962		0	04	50
	953		0	06	00
	952		0	02	25
	943		0	05	25
	951		0	15	75
	1138		0	06	00
	1137		0	05	40
	1136		0	12	75
	कार्ट्टेक		0	00	75

1	2	3	4	5	hereby declares its intention to acquire the right of user therein ;
16	0	48	15		
कार्ट ट्रैक	0	00	75		
17	0	07	65		
18	0	08	25		
19	0	07	20		
64	0	01	70		
69	0	00	25		
65	0	01	00		
68	0	03	50		
66	0	02	30		
67	0	00	80		
63	0	04	35		
62	0	00	15		
95	0	02	25		
98	0	08	25		
97	0	06	15		
99	0	00	15		
103	0	02	95		
100	0	01	10		
102	0	01	17		
101	0	03	03		
114	0	02	80		
115	0	00	90		
113	0	00	40		
116	0	05	55		
118	0	02	25		
121	0	02	25		
119	0	05	25		
6	0	02	85		
148	0	19	90		
149	0	00	50		
150	0	05	70		
151	0	09	30		
168	0	07	50		
167	0	09	00		
162	0	07	55		
161	0	00	70		

[सं 12016/46/83-प्र०]

S.O. 2448.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Viramgam to CTF Nawagam in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government

SCHEDULE

Pipeline from Viramgam to CTF Kalol

State : Gujarat District : Mehsana Taluka : Kalol

Village	Block No.	Hectare	Acre	Centi-are	
		1	2	3	4
Palsana					
	988	0	15	75	
	992	0	19	10	
	993	0	01	90	
	1002	0	03	15	
	1001	0	04	35	
	999	0	06	30	
	999	0	05	25	
	978	0	00	75	
	979	0	04	50	
	977	0	06	15	
	980	0	01	50	
	Cart track	0	00	75	
	975	0	12	00	
	974	0	04	05	
	973	0	08	70	
	965	0	04	95	
	964	0	00	15	
	966	0	03	20	
	961	0	06	25	
	962	0	04	50	
	953	0	06	00	
	952	0	02	25	
	943	0	05	25	
	951	0	15	75	
	1138	0	06	00	
	1137	0	05	40	
	1136	0	12	75	
	Cart track	0	00	75	
	16	0	48	15	
	Cart track	0	00	75	
	17	0	07	65	
	18	0	08	25	
	19	0	07	20	
	64	0	01	70	
	69	0	00	25	
	65	0	01	00	
	68	0	03	50	
	66	0	02	30	
	67	0	00	80	
	63	0	04	35	
	62	0	00	15	
	95	0	02	25	
	98	0	08	25	
	97	0	06	15	
	99	0	00	15	
	103	0	02	95	

1	2	3	4	5
100		0	01	10
102		0	01	17
101		0	03	03
114		0	02	80
115		0	00	90
113		0	00	40
116		0	05	55
118		0	02	25
121		0	02	25
119		0	05	25
6		0	02	85
148		0	17	90
149		0	00	50
150		0	05	70
151		0	09	30
168		0	07	50
167		0	09	00
162		0	07	55
161		0	00	70

[No. 12016/46/83-Prod.]

नई दिल्ली, 19 मई, 1983

का०आ० 2449.—यत्. पैट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (पैट्रोलियम विभाग) की अधिसूचना का०आ०सं० 211 तारीख 6-12-82 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाईपलाइन को बिछाने के प्रयोजन के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः समक्ष प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाना है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विस्तृत होने के बजाय तेल और प्राकृतिक गैस आयोग में,

सभी बाधाओं से मुक्त स्पैन में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एन०के०ए०एम० से जी०जी०एस० कम सी टी एफ कड़ी तक पाईपलाइन बिछाने के लिए।

राज्य : गुजरात जिला : अहमदाबाद तालुका : विरमगाम

गांव	मर्वे नं०	हेक्टेयर	ए आर है	सेन्टीअर
बाल भासण	280/1	0	05	40
	280/2	0	10	20
	264/1	0	18	60
	264/2	0	13	80
	265	0	09	60
	269	0	05	04
	268/3	0	06	84
	268/1	0	05	28
	249	0	20	28
	250/1	0	17	40

[सं० O-12016/64/82-प्रोड०]

New Delhi, the 19th May, 1983

S.O. 2449.—Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O. 211 dated 6-12-82 under sub-section (1) of Section 3 of the Petroleums and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority as under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline D. S. Nkam to GGS-CUM-CTF-KADI

State : Gujarat District : Ahmedabad Taluka : Virambad gam

Village	Survey No.	Hectare	Are	Centiare
BALSASAN	280/1	0	05	40
	280/2	0	10	20
	264/1	0	18	60

1	2	3	4	5
	264/2	0	13	80
	265	0	09	60
	269	0	05	04
	268/3	0	06	84
	268/1	0	05	28
	249	0	20	28
	250/1	0	17	40

[No. O-12016/64/82-Prod.1]

का०आ० 2450—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में विरसगाम से सी०टी०एफ० कलोल तक पैट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिष्ठाई जानी चाहिए।

और यसः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदोपावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अनः अब पैट्रोनियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतदद्वारा घोषित किया है।

बगते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल सथा प्राकृतिक गैस आयोग, निर्माण और देखभाल, प्रभाग मकरपुरा रोड, बडोदरा-९ को इस अधिसूचना की तारीख से २१ दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उम्मी सनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

मानस ची

विरभगाम से सी.टी.एफ० कलोल

राज्य : गुजरात जिला : मंहसाना तालुका : कलोल

गाव	मर्वे नं०	हैक्टर	एआरई	सेन्टीप्रेर
1	2	3	4	5
सर्वज	1037/1/1	0	04	80
	1037/1/2	0	06	90
	1037/1/3	0	05	35
	1116	0	00	80
	1038	0	16	20
	1041	0	00	75
	1042/2	0	06	00
	1042/1	0	06	45
	1054/2	0	03	75
	1054/1/1	0	01	50
	1053/1	0	12	15

1	2	3	4	5
	1051	0	00	15
	1052	0	00	60
	1065/1	0	03	00
	1065/2	0	03	75
	1067	0	03	00
	1068	0	00	25
	1069	0	00	20
	1070/2	0	06	20
	1073	0	10	50
	1072/1	0	07	20
	1079/1	0	13	95
	1082	0	06	15
	1081/2	0	03	60

[सं० १२०१६/४७/८३-प्रोड०]

S.O. 2450.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Villangam to CTI-Kalol in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And, whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be hear in person or by a legal practitioner.

SCHEDULE

Pipeline From Viramgam to C.T.F. Kalol

State : Gujarat District : Mehsana
Taluka : Kalol

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Saij	1037/1/1	0	04	80
	1037/1/2	0	06	90
	1037/1/3	0	05	35
	1116	0	00	80
	1038	0	16	20
	1041	0	00	75
	1042/2	0	06	00
	1042/1	0	06	45
	1054/2	0	03	75
	1054/1/A	0	01	50
	1053/1	0	12	15

1	2	3	4	5
1051		0	00	15
1052		0	00	60
1065/1		0	03	00
1065/2		0	03	75
1067		0	03	00
1068		0	00	25
1069		0	00	20
1070/2		0	06	20
1073		0	10	50
1072/1		0	07	20
1079/1		0	13	95
1082		0	06	15
1081/2		0	03	60

[No. 12016/47/83-Prod.]

अनुसूची				
ज०एन०एम से ज०एन०ए० तक पाइप लाइन बिछाने के लिए।				
राज्य : गुजरात ज़िला और तालुका : मेहसुना				
गांव खाल नं० हैकटेवर एआईबार सेन्टीपर				
सिडोसन	125	0	14	40
	114	0	06	60
	112	0	04	80
	111	0	12	60
	108	0	00	50
	109	0	14	75
	102	0	10	80
	100	0	09	60

[सं० ०-१२०१६/५३/८२-प्र०]

राजेन्द्र सिंह, निर्देशक

का०आ० 2451.— यतः पैद्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैद्रोलियम रसायन और उर्वरक मंत्रालय (पैद्रोलियम विभाग) की अधिसूचना का०आ०सं० 217 तारीख 18-11-82 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में बिनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन को बिछाने के प्रयोजन के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः समक्ष प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में बिनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विमेश्य किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में बिनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

S.O. 2451.—Whereas by notification of the Government of India in the Ministry of Petroleum, Chemicals & fertilizer, (Department of Petroleum) S.O. 217 dated 18-11-82 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest, on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from D.S. No. JNA to JNM
State : Gujarat District & Taluka : Mehsana

Village	Block No.	Hectare	Are	Centiare
Sidosan	125	0	14	40
	114	0	06	60
	112	0	04	80
	111	0	12	60
	108	0	00	50
	109	0	14	75
	102	0	10	80
	100	0	09	60

[No. -012016/53/82-Prod.]

RAJENDRA SINGH, Director

(कोयला विभाग)

नई दिल्ली, 10 मई, 1983

का० आ० 2452.—कोयला खान श्रम कल्याण निधि अधिनियम, 1947 (1947 का 32) की धारा 9 की उपधारा (1) में दी गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने श्री डॉ पंडा को कोयला खान श्रम कल्याण संगठन में कोयला खान कल्याण आयुक्त के पद पर 14-4-1982 (पूर्वानु) से 31-3-1983 (अपराह्न) तक नियुक्त किया है।

[सं० ए-12025 (I)-1/80-एम. II प्रश्ना-I]
श्रीमती कृ० सूद, निदेशक

(Department of Coal)

New Delhi, the 10th May, 1983

S.O. 2452.—In exercise of the powers conferred by the sub-section (1) of section 9 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), the Central Government has appointed Shri D. Panda as Coal Mines Welfare Commissioner in the Coal Mines Labour Welfare Organisation with effect from 14-4-82 (FN) to 31-3-83(AN).

[No. A-12025(I)-1/80-M.II/Adm.I]
Smt. K. SOOD, Director.

खास और नागरिक पूर्ति मंत्रालय

(खाद्य विभाग)

नई दिल्ली, 21 मई, 1983

का० आ० 2453.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, खाद्य और नागरिक पूर्ति मंत्रालय (खाद्य विभाग) के निम्नलिखित कार्यालय, जिसके कम्बिचारीवृन्द ने हिम्मी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. सेस्टल बेयरहाउसिंग फारपोरेशन, }
बेयरहाउसिंग भवन,
4/1, सीरी इस्टिट्यूशनल एरिया, } मुख्यालय
सीरी फोर्ट के सामने, ब्रॉज खास,
नई दिल्ली-110016 }
[सं० ई-11017/8/81-हिन्दी]
१० १० ग्र०, उप सचिव]

MINISTRY OF FOOD & CIVIL SUPPLIES

(Department of Food)

New Delhi, the 21st May, 1983

S.O. 2453.—In pursuance of sub-rule 4 of rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following office of the Ministry of Food and Civil Supplies (Department of Food), the Staff whereof have acquired the working knowledge of Hindi:—

1. Central Warehousing Corporation,
Warehousing Bhawan,
4/1, Sri Institutional Area.
Opposite Siri Fort, Hauz Khas,
New Delhi, 110016. } Head Office

[No. F-11017/8/81-Hindi]
A. K. Garde, Deputy Secy.

संस्कृति विभाग

भारतीय पुरातत्व सर्वेक्षण

नई दिल्ली, 19 मई, 1983

पुरातत्व

का० आ० 2454.—केन्द्रीय सरकार की राय है कि इससे उपायद्वारा अनुसूची में विनिर्दिष्ट पुरातत्वीय स्थल और संस्मारक राष्ट्रीय महत्व का है;

अतः, अब, केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) धारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त पुरातत्वीय स्थल और संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आण्य की सूचना देता है।

इस अधिसूचना के जारी किए जाने के दो मास के भीतर उक्त पुरातत्वीय स्थल और संस्मारक के हितवद्धु किसी व्यक्ति द्वारा दिए गए किसी भी आक्रमण पर केन्द्रीय सरकार विचार करेगी।

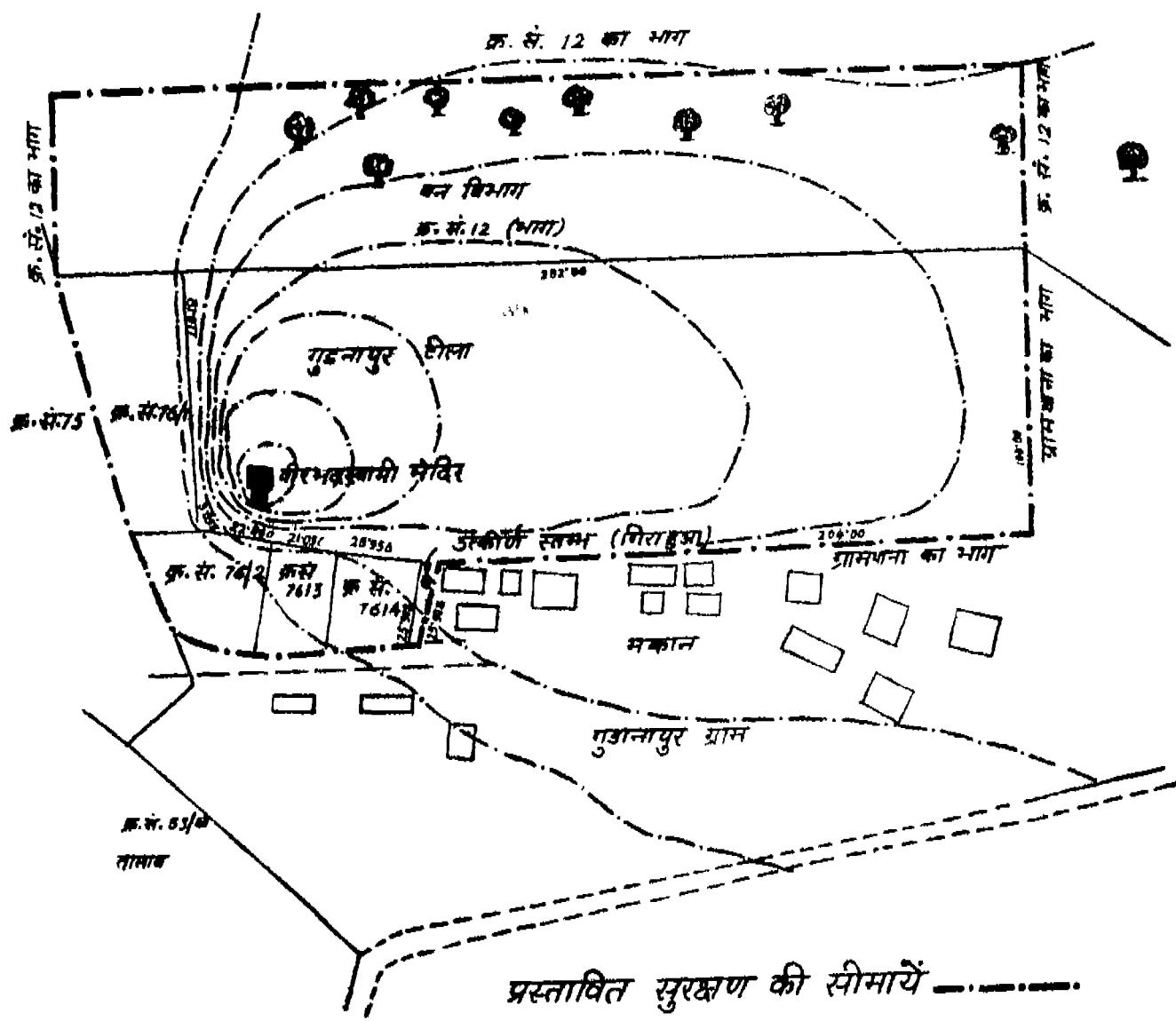
अनुसूची

राय	जिला	तहसील	परिषेक	संस्मारक का नाम	संरक्षण के अधीन सम्मिलित	क्षेत्रफल	राजस्व प्लाट संख्या
1	2	3	4	5	6	7	
1. कर्नाटक	उत्तर कर्नाटक	सिरसी	गुदनापुर	पुरातत्वीय स्थल, वीरभद्र-स्वामी मन्दिर, जिसके साथ भीचे स्थल रेखांक में यथा पुनः उद्धृत ग्रामताना सर्वेक्षण सं० ७६/१, ७६/२, ७६/३, ७६/४ के भाग में और सर्वेक्षण संख्या १२ के भाग में आने वाली मूर्तिकला और उत्कीर्ण स्थल भी है।	नीचे स्थल रेखांक में यथा-पुनः उद्धृत ग्रामताना सर्वेक्षण संख्या ७६/१, ७६/२, ७६/३, ७६/४, का भाग और सर्वेक्षण संख्या १२ का भाग।	5. 176	हेक्टर

सीमा	स्वामित्व	टिप्पणी
8	9	10
पर : सर्वेक्षण संख्या 12 का भाग : ग्रामताना और सर्वेक्षण सं० 12 का भाग	सर्वेक्षण संख्या 76/1, 76/2, 76/3, और 76/4 प्राइवेट स्वामित्व में है और शेष भाग सरकार के स्वामित्व में है।	पूजा के अंतर्गत नहीं है। स्तम्भ 6 में बर्णित क्षेत्र में कोई आधुनिक संरचना नहीं है।
ए : ग्राम ताना का भाग		
थम : सर्वेक्षण संख्या 75 और सर्वेक्षण संख्या 12 का भाग		

प्राचीन अवशेषों, वीरभद्रस्वामी मंदिर और उत्कीर्ण स्तम्भ, गुडनापुर, जिला उत्तर कन्नड़ का मानचित्र

100 200 400 600 मीटर



DEPARTMENT OF CULTURE

Archaeological Survey of India

New Delhi, the 19th May, 1983

ARCHAEOLOGY

S.O. 2454.—Whereas the Central Government is of opinion that the archaeological site and monument specified in the schedule attached hereto is of national importance :

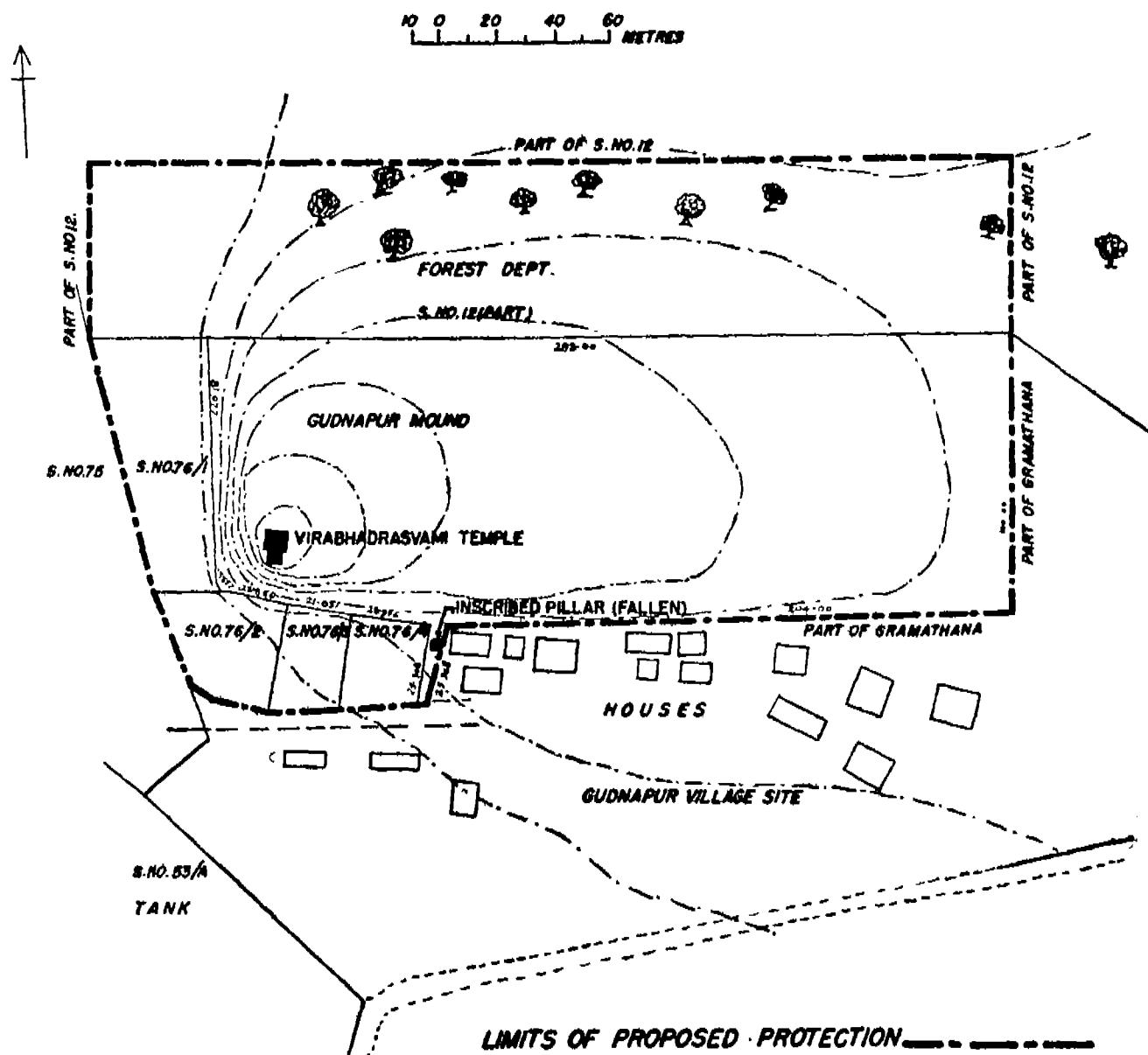
Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) the Central Government hereby gives notice of its intention to declare the said archaeological site and monument to be of national importance.

Any objection made within two months' after the issue of this notification by any person interested in the said archaeological site and monument will be considered by the Central Government.

SCHEDULE

State	District	Tehsil	Locality	Name of monument and site	Revenue plot numbers to be included under protection	Area Hectares	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Karnataka	North Kanara	Sirsipur	Gudna	Archaeological site Virabhadraswami temple together with sculptures and inscribed pillar comprising in part of Gramatana, Survey Nos. 76/1, 76/2, 76/3, 76/4 and part of Survey number 12 as reproduced below in the site plan	Part of Gramatana Survey Nos. 76/1, 76/2, 76/3, 76/4 and part of Survey number 12 as reproduced below in the site plan	5.167 Hectares	North:-Part of Survey No. 12 East:-Part of Gramatana and part of Survey number 12 South:-Part of Gramatana West:-Survey number 75 and part of survey No. 12.	While S. No. 76/1, 76/2, 76/3, and 76/4 of Gramatana and private Survey number 12 the remaining portions of Gramatana are Gramatana Govern- ment survey number 75 and part of survey No. 12.	Not under worship No modern structure exists in the area mentioned in col. 6.

SITE-PLAN OF THE ANCIENT REMAINS, VIRABHADRASVAMI TEMPLE AND INSCRIBED PILLAR, GUDNAPUR, DISTRICT NORTH KANARA



‘तिकाइ मंत्रालय

नई दिल्ली, 18 मई, 1983

का० आ० 2455.—तुंगभद्रा बोर्ड के गठन से संबंधित भूतपूर्व सिचाई और विद्युत मंत्रालय की (समय-समय पर यथासंशोधित) अधिसूचना सं० डी० ३८५० चार-४ (१) विनांक 10 मार्च, 1955 में निम्नलिखित और संशोधन किया जाता है, अर्थात् :—

पैरा 1 में “सदस्यगण” के अन्तर्गत वर्तमान प्रविष्ट अर्थात् “विशेष सचिव (तकनीकी), आध्र प्रदेश सरकार, सिचाई विभाग” के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी :—

“प्रमुख इंजीनियर सिचाई विभाग, आध्र प्रदेश”।

[सं० १९/४/७६-डी० ३८५० एक/परि-चार/परि-वो]

ए० के० अहीर, अवर सचिव

MINISTRY OF IRRIGATION

New Delhi, the 18th May, 1983

S.O. 2455.—The following further amendment is made in the earstwhile Ministry of Irrigation & Power's Notification No. DW.IV-4(9) dated the 10th March 1955 (as amended from time to time) relating to the constitution of the Tunga-bhadra Board namely :—

For the existing entry under 'Members' in para 1 namely 'Special Secretary to Government of Andhra Pradesh (Technical) Irrigation Department' the following entry shall be substituted :—

“Engineer-in-Chief, Irrigation Department, Andhra Pradesh”.

[No. 19/4/76-DW.I/P.IV/PII]
A. K. AHIR, Under Secy.

त्रिमण और आवास मंत्रालय

नई दिल्ली, 10 मई 1983

का० आ० 2456.—यतः केन्द्रीय सरकार को दिल्ली की बृहद योजना क्षेत्रीय विकास योजना में यहां नीचे बताए गए क्षेत्रों के बारे में कठिप्रय संशोधन करने का प्रस्ताव है जिसे दिल्ली विकास अधिनियम, 1957 (1957 का 61 वाँ) की धारा 44 के अन्तर्गत 27 नवम्बर, 1982 के नोटिस संख्या एफ० 3 (43) 82-एम० पी० द्वारा उक्त नोटिस के 30 दिन के अन्तर्गत आपत्तियाँ/सुझाव मांगने के लिए प्रकाशित किया गया था जैसे कि उक्त अधिनियम की धारा 11ए की उपधारा (3) में अपेक्षित है।

और, यतः, केन्द्रीय सरकार ने प्राप्त आपत्तियाँ एवम् सुझावों पर विचार करने के बाद दिल्ली की बृहद योजना में तथाकथित संशोधन करने का निर्णय किया है।

अब अतः उक्त अधिनियम की धारा 11 ए की उपधारा (2) में प्रथम शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार जिस तिथि से यह अधिसूचना भारत के राजपत्र में प्रकाशित होगी उस तिथि से दिल्ली की उक्त बृहद योजना क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करती है नामतः—
संशोधन :

(1) “क्षेत्र डी-४ (संसद मार्ग) के आवासीय उपयोग हेतु, विनिर्दिष्ट क्षेत्र में से लगभग 1.62 हेक्ट० (4 एकड़ि) क्षेत्र, जो बाल यातायात पार्क के रूप में जाना जाने वाले मनोरंजनात्मक क्षेत्र के पूर्व में स्थित है (जो 23.16 मी० चौड़ी थंगला साहब लेन से पृथक होता है) और अधिसूचना संख्या के०-12014/3/77-य०डी०-१ (ए) दिनांक 2 जनवरी 1979 द्वारा अधिसूचित है और उत्तर में (मार्गाधिकार सहित 45.72 मी० चौड़ा) बाबा खड़क सिंह मार्ग के सामने पड़ता है, का भूमि उपयोग बदलकर “राजकीय कार्यालय (एयर इंजिनियर एवं आई० ए० सी०) किया जाता है।”

(2) “क्षेत्र डी-४ (संसद मार्ग) में पड़ने वाले “संचरण” (पार्किंग) हेतु विनिर्दिष्ट क्षेत्र में से लगभग 0.202 हेक्ट० (0.5 एकड़ि) क्षेत्र जिसके उत्तर-पश्चिम में (मार्ग अधिकार सहित 45.72 मी० चौड़ा) बाबा खड़क सिंह मार्ग है और दक्षिण और पश्चिम में आवासीय उपयोग है, का भूमि उपयोग बदलकर “सार्वजनिक एवं अर्द्ध सार्वजनिक सुविधाएं (पुलिस घौंकी)” किया जाना प्रस्तावित है।”

(3) “क्षेत्र डी-४ (संसद मार्ग) में पड़ने वाले “संचरण” (पार्किंग) हेतु विनिर्दिष्ट क्षेत्र में से लगभग 511 वर्ग मी० (611 वर्ग गज) क्षेत्र जिसके सामने (मार्गाधिकार सहित 45.72 मी० चौड़ा) बाबा खड़क सिंह मार्ग है, का भूमि उपयोग बदलकर “सार्वजनिक एवं अर्द्ध सार्वजनिक सुविधाएं (पेट्रोल पम्प) किया जाता है।”

(4) “क्षेत्र डी-१ (कनाट प्लेस एवं इसका विस्तार) में पड़ने वाले लगभग 0.39 हेतु (0.97 एकड़ि), क्षेत्रफल जो वर्तमान एम्पोरिया (भूखण्ड संख्या 16-17 के बीच में स्थित है और मार्गाधिकार सहित 45.72 मी० चौड़ा) बाबा खड़क सिंह मार्ग के सामने पड़ता है, का भूमि उपयोग “संचरण” (पार्किंग) से बदल कर “भ्यावसायिक” (एम्पोरिया) किया जाता है।”

[सं० के०-13011/3/82-डी०-II ए०]

MINISTRY OF WORKS & HOUSING

New Delhi, the 10th May, 1983

S.O. 2456.—Whereas certain modifications, which the Central Government proposes to make in the Master Plan for Delhi Zonal Development Plan regarding the areas mentioned hereunder, were published with Notice No. F. 3 (43)/82-MP dated the 27th Nov., 1982 in accordance with the provisions of section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions, as required by sub-section (3) of section 11-A of the said Act, within thirty days from the date of the said notice;

And whereas no objections and suggestions have been received with regard to the said modifications, the Central Government have decided to modify the Master Plan for Delhi Zonal Development Plan;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 11-A of the said Act, the Central Government hereby makes the following modifications in the said Master Plan for Delhi with effect from the date of publication of this modification in Gazette of India, namely :—
MODIFICATIONS :

(1) “The land use of an area measuring about 1.62 hect. (4 acres) falling in zone D-4 (Sansad Marg), out of

the area earmarked for 'Residential use' and located in the east of 'Recreational area' known as Children Traffic Park (segregated by 23.16 metre wide Bangla Sahib Lane and notified vide Notification No. K-12014/3/77-UDI(A) dated 2nd Jan., 1979 and fronting on Baba Kharak Singh Marg (45.72 Metre R/W) on the North, is changed to Govt. Offices' (Air India & IAC)."

- (ii) "The land use of an area measuring about 0.202 hect. (0.5 acres) falling in Zone D-4 (Sansad Marg), out of the area earmarked for 'Circulation' (Parking) and bounded by Baba Kharak Singh Marg (45.72 metre R/W) on the North-West and 'Residential' area on the South and West, is changed to 'Public and Semi-Public facilities (Police Post).' "
- (iii) "The land use of an area measuring about 511 sq. m. (611 sq. yds.) falling in Zone D-4 (Sansad Marg) out of the area earmarked for 'Circulation' (Parking) and fronting on Baba Kharak Singh Marg (45.72 metres R/W), is changed to 'Public and Semi-Public facilities (Petrol Pump)' ."
- (iv) "The land use of an area measuring about 0.39 hect. (0.97 acres) falling in Zone D-I (Connaught Place and its extension), located in between the existing emporia Plot Nos. 16-17) and fronting on Baba Kharak Singh Marg (45.72 metres R/W) is changed from 'Circulation' (Parking) to 'Commercial' (Emporia)."

[No. K-13011/3/82-DDIIA]

नई दिल्ली, 17 मई, 1983

का० आ० 2457. यतः केन्द्रीय सरकार को दिल्ली की बृहद योजना में यहाँ नीचे बताए गए क्षेत्रों के बारे में कठिपय संशोधन करने का प्रस्ताव है जिसे दिल्ली विकास अधिनियम केन्द्रीय विकास योजना, 1957 (1957 का 61 वा०) की धारा 44 के अन्तर्गत 3-7-82 के नोटिस सं० एफ० 20 (4)/82-एम० पी० द्वारा उक्त नोटिस के 30 विन के अन्तर्गत आपत्तिया/सुलाव भारत के लिए प्रकाशित गया था जैसे कि उक्त अधिनियम की धारा 11ए की उपधारा (3) में अनेकत है।

और यतः केन्द्रीय सरकार ने प्राप्त आपत्तियों एवं सुलावों पर विचार करने के बाद दिल्ली की बृहद योजना में तथा कठित संशोधन करने का निर्णय किया है।

अब, यतः, उक्त अधिनियम की धारा 11ए की उपधारा (2) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार जिस तिथि से यह अधिसूचना भारत के राजपत्र में प्रकाशित होगी। उस तिथि से दिल्ली की उक्त बृहद योजना में केन्द्रीय विकास योजना निम्नलिखित संशोधन करती है, नामतः— संशोधन :

"क्षेत्र डी-15 (लोधी कालोनी) में पड़ने वाली 3.80 हेक्टर (9.40 एकड़) भूमि जो पूर्व में उच्चतर माध्यमिक विद्यालय स्थित (वाल भारती एयरफोर्स); उत्तर में 45.72 मी० (150 फुट) चौड़े लोधी मार्ग; पश्चिम में उच्चतर माध्यमिक विद्यालय गुजरांवाला तथा 24.38 मी० (80 फुट) चौड़े केन्द्रीय मार्ग और दक्षिण में 18.28 मी० (60 फुट) चौड़े केन्द्रीय मार्ग से विरी है का भूमि उपयोग "सार्वजनिक एवं अर्द्ध सार्वजनिक सुविधाएं (मैक्सिमिक)"

से बदल कर "सार्वजनिक एवं अर्द्ध सार्वजनिक सुविधाएं (सामाजिक एवं सांस्कृतिक संस्थाएं)" किया जाता है।"

[सं० के० - 13011/12/81-डी०डी०-IIए]

के० के० सक्सेना, डैस्क अधिकारी

New Delhi, the 17th May, 1983

S.O. 2457.—Whereas certain modifications, which the Central Government proposes to make in the Master Plan for Delhi Zonal Development Plan regarding the area mentioned hereunder, were published with Notice No. F. 20(4)/82-MP dated the 3rd July, 1982 in accordance with the provisions of section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions, as required by sub-section (3) of section 11-A of the said Act, within thirty days from the date of the said notice;

And whereas, no objections and suggestions have been received with regard to the said modifications, the Central Government have decided to modify the Master Plan for Delhi Zonal Development Plan;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 11 A of the said Act, the Central Government hereby makes the following modifications in the said Master Plan for Delhi with effect from the date of publication of this modification in the Gazette of India, namely :

MODIFICATION :

"The land use of an area measuring 3.90 Hects. (9.40 acres), falling in zone D-15 (Lodhi Colony), bounded by Hr. Secondary School site (Bal Bharti Air Force) on the east, 45.72 mts. (150') wide Lodhi Road on the North, Hr. Secondary School (Gujranwala School) and 24.38 mts. (80') wide zonal road on the west and 18.28 mts. (60') wide zonal road on the south is changed from public & semi-public facilities (Educational) to public and semi-public facilities (Social & Cultural Institution).

[No. K-13011/12/81-DDIIA]

K. K. SAXENA, Desk Officer

अमृता तथा पुनर्वास भवालय

(अमृता विभाग)

नई दिल्ली, 7 मई, 1983

पृष्ठपत्र

का० आ० 2458.—भारत के राजपत्र, आग-2, खण्ड 3, उप-खण्ड (ii) में तारीख 30 अक्टूबर, 1982 को पृष्ठ 3892 पर प्रकाशित, भारत सरकार, अमृता भवालय की अधिसूचना संख्या का० आ० 3688 तारीख 15 अक्टूबर, 1982 में :

उपर्युक्त अधिसूचना की लाइन 2 में, "संख्या 1" के स्थान पर "संख्या 2" लिहे।

[संख्या एम-11020/3/82-डी-1 (ए०) (i)]
एस० एस० एस० अध्यर, अवर सचिव

MINISTRY OF LABOUR & REHABILITATION

(Department of Labour)

New Delhi, the 7th May, 1983

CORRIGENDUM

S.O. 2458.—In the notification of the Government of India in the Ministry of Labour No. S.O. 3688 dated the 14th

October, 1982, published at page 3892 in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 30th October, 1982;

In the line 2 of the said notification, for "No. 1" read "No. 2".

[No. S-11020/3/82-D.I(A)(i)]
S. H. S. IYER, Under Secy.

तर्हि दिल्ली, 20 मई, 1983

का० धा० 2459.—केन्द्रीय सरकार की राय है कि मुख्य कच्ची सामग्री के रूप में ऐस्ट्रेस्टास पर आधारित सभी उद्योगों के कर्मचारियों की बाबत कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के अधीन भविष्य निधि स्कीम बनायी जानी आहिए।

अतः केन्द्रीय सरकार कर्मचारी भविष्य और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त गतियों का प्रयोग करते हुए, उस उद्योग को अधिनियम की अनुसूची 1 में 1 जून, 1983 से जोड़ती है।

[संख्या एस-35016/1/81-PF-I] एफ०-२]

ए० के० भट्टराई, अवर सचिव

New Delhi, the 20th May, 1983

S.O. 2459.—Whereas the Central Government is of opinion that a provident fund scheme should be framed under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) in respect of the employees of all industries based on asbestos as principal raw material.

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 4 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby adds with effect from the 1st June, 1983 the said industry to schedule I of the Act.

[No. S-35016/1/81-PF.II]
A. K. BHATTARAI, Under Secy.

आवेदा

तर्हि दिल्ली, 20 मई, 1983

का० धा० 2460.—केन्द्रीय सरकार की राय है कि इस से उपाखद अनुसूची में विनिविष्ट विषय के आरे में पश्चिमी रेल प्रशासन के प्रबंध तंत्र से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विभागात है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चांचनीय समझती है;

अतः केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के खण्ड (ब) द्वारा प्रदत्त गतियों का प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री महेन्द्र भूषण शर्मा होंगे जिनका मुख्यालय जयपुर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या पश्चिमी रेल कोटा डिवीजन कोटा के वरिष्ठ मण्डलीय कामिक अधिकारी की श्री रामस्वरूप आक-स्प्रिंक अधिकारी को 20-2-1980 से सेवाएं समाप्त करने और उसकी सेवा समाप्ति की तारीख से पूर्व पिछले 12 नवलैंडर भास के दौरान 240 दिन से अधिक कार्य करने के पश्चात उसे प्राधिकृत बेतनमान से इकार करने की कार्यवाही बीध और न्यायोचित है ? यदि नहीं तो कर्मकार किस अनुतोष का हकदार है ?"

[का० सं० एल-41011/20/82-डी० 2 (बी)]

हरि सिंह, डेस्क अधिकारी

ORDER

New Delhi, the 20th May, 1983

S.O. 2460.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Western Railway Administration and their workmen in respect of the matter specified in the schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby constitutes an Industrial Tribunal of which Shri Mohinder Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the Sr. Divisional Personnel Officer, Western Railway, Kota Division, Kota in terminating the services of Shri Ram Sarup, Casual Labour with effect from 20-2-1980 and denying him the authorised scale after he had worked for more than 240 days during the last 12 calendar months preceding to the date of his termination is legal and justified ? If not, to what relief the workman is entitled ?"

[No. L-41011(20)/82-D.II(B)]

HARI SINGH, Desk Officer.

New Delhi, the 20th May, 1983

S.O. 2461.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Noonodih Jitpur Colliery of Messrs Indian Iron & Steel Company Limited and their workmen, which was received by the Central Government on the 16th May, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

Reference No. 36 of 1980

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Noonodih Jitpur Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Bhaga, District, Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers—Shri T. P. Choudhury, Advocate.

On behalf of the workmen—Shri Sankar Bose, Secretary
Rashtriya Colliery Mazdoor Sangh, Dhanbad.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, the 10th May, 1983

AWARD

This is a reference under S.10 of the I.D. Act, 1947. The Central Government by its order No. L-20012(128)/80-DH(A) dated 28th October, 1980 has referred to this Tribunal for adjudication the following dispute as per schedule below :

SCHEDULE

Whether the demand of the workmen of Noonodih-Jitpur Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Bhaga, District, Dhanbad for payment of category V wages plus Re 1 per day to Sarvashri Ram Prasad Kumar, Shivji Choudhury and Kapildeo Yadav is justified? If so, to what relief are the said workmen entitled?"

2. There are three workmen concerned in this case. They are permanent employees of Noonodih-Jitpur Colliery. According to them they are engaged in the job of Mate in the underground of the colliery. According to them there are 3 more Mates who are performing the same duty on the surface. These surface Mates have been placed in category V and are also paid Re. 1 per head per day for performing the duties of surface mates. The concerned workmen on the other hand are in category IV i.e. one category lower than the surface mates and are denied the additional benefit of Re. 1 per head per day. According to the workmen such an action on the part of the management is discriminatory. The union of the workmen through its letter dated 25-9-78 represented before the management, but to no effect. Thereafter the union raised a dispute before the Assistant Labour Commissioner (Central) Dhanbad vide letter dated 25-10-78. Due to the adamant attitude of the management the conciliation ended in failure and this has resulted into this reference.

3. In the order of reference one of the workman is named Shri Shivji Choudhury. In the written statement of the workmen in paragraph 3 it has been mentioned that Choudhury is a mistake for Choubey and therefore 'Shivji Choudhury' should be read as 'Shivji Choubey'. The management has accepted this fact that the correct name is Shivji Choubey and therefore Shivji Choudhury should be read as Shivji Chobey.

4. The case of the management is that one of the concerned workman Shri Ram Prasad Kumar was Long-Wall-Face worker by designation. Similarly Sarvashri Shivji Choubey and Kapildeo Yadav were designated as 'Supporter'. These three concerned workmen were employed in 14 seam mine in category IV. In March, 1973, 14 seam mine was closed as a result of explosion in the mine, and therefore Long-Wall Face working was stopped. The concerned workmen had virtually no work, but in accordance with the policy of the company not to effect retrenchment, they were paid category IV wages all along. The union representing the workmen held a meeting with the management on 6-2-79 in the office of the Chief Executive(C) IISCO., Chasnala where this issue of giving category V plus Re. 1 per day per head like the surface mates was discussed. The management was not prepared to give them the same facility of pay as surface mates, but offered that the concerned workmen could be considered for appointment as watchmen provided they submit their application to the management to that effect and were found suitable for that post. None of the concerned workmen made any such application. According to the management the grievance of the concerned workman are purely imaginary. In the rejoinder of the management to the written statement of the workmen it was specified in paragraph 4 that in Jitpur colliery there had been long standing practice of employing some workmen as mate on surface whose main job is to get some specific work done and to arrange Man Power to cover certain absence more or less on the line of working sirdars for which they are paid Re. 1 more per day. These concerned workmen after closure of the Long-Wall-Faces in 14 seam were employed in 16 seam where there are trammers sirdars, mining sirdars, overmen, senior overmen and Asstt. manager for supervision of the work. According to the management there is no question of employing any mate for the underground work as is done on the surface, and so the work which is being done by the workmen could not equate with the job of mate on the surface.

5. The management has examined two witnesses. MW1 Shri S. R. Chourasi is manager of Chasnala colliery. From 1960 to 1969 he was working in Jitpur colliery as Asstt. Manager. He knows the concerned workmen who were originally working in 14 seam. He has said that in 1973 14 seam was closed due to fire explosion which damaged the shaft. The persons who were working in 14 seam were not retrenched and on the contrary they were employed in different sections of 16 and 16A seams. His evidence is that Shri Bhikari Pandey alias Sachidanand Pandey, Hikim Khan and Ram Abdoh Yadav, who are at present surface mates in 16 seams, were not in the gang of the concerned workmen. He has admitted that they were in category V and they get Re 1 per day per head as incentive. He has further said that in 16 seam there are trammers sirdars, pit munshi and others to supervise the Job. According to him there is no system of having any mate in the underground because there are so many to supervise the work. His simple evidence is that the workman used to get category IV wages while they were in 14 seam and they are getting the same.

6. The next witness MW 2 is Shri S. P. Mehra. He has corroborated the evidence of MW1. He has further said that the union demanded that the three concerned workmen should also be made mates and it was explained to the union that they could not be made mates as there was no requirement of mates. He has proved Ext. M1 which is the minutes of discussion in item No. 9. In his cross-examination he has said that production in Long Wall Face method was introduced in 1970 in Jitpur colliery. He has further said that Long Wall face mining operation is different from conventional method of mining operation by Board and Pillar system. The witness has explained that the posts of mates are created for coordination of work in tub supply from surface to underground and vice-versa. According to him in the Coal Wage Board Recommendation, 1967 there is no designation of mates. The witness knows all the concerned workmen and each one of them are put on duty separately in the three shifts.

7. WW1 Shri Shivji Choubey is one of the concerned workmen. According to him they are six mates in a gang and out of them 3 work in the underground and three work on the surface. In each shift one mate is on the underground and one on the surface. He has admitted that the concerned workmen work in the underground and the other three on the surface. According to him the duties of all the mates are similar. He has said that the demand of the workmen is that they should be paid some wages like their colleagues on the surface. The witness has denied in cross-examination that these three concerned workmen were working in 15 seam and after 1979 explosion they were sent to 16 seam. According to him all the six mates were working in and the 3 other mates were working on the surface and were given category V in 1973 and were also paid incentive of Re. 1 per head per day.

8. Shri S. Bose representing the workmen has said that the case of the workmen is based on simple fact that the management has made discrimination between the emoluments of the underground mates and the surface mates. He has referred to the evidence of MW2. While describing that these concerned workmen work as mates underground there are 3 other mates on the surface. According to Shri Bose such an admission on the part of MW2 should be a settler on the question which has been raised in this reference. What he means to say is that the management's own case is that after the closure of 14 seam the Long Wall Face system was abolished and these concerned workmen were asked to work as mates in 16 seam. The three other mates working on the surface were given category V plus Re. 1 incentive for working as mates and these concerned workmen were denied the same. He has pointed out that in the written statement of the management a plea was taken that these concerned workmen had no job to do underground and instead of being retrenched they were provided underground job. The management is not specific as to what is the nature of work which is performed by these workmen. The evidence of WW1 is positive that they do the same duties as is done by the surface mates. The management has not disclosed what is the designation of these concerned workmen. But it appears that they are also mates. MW2 has said that the job of the mates is to coordinate and supervise the movement of tubs. I fail to understand that if mates are required for supervising such movements on the surface why the same duties could not be performed by the concerned workmen underground. According to the management there are quite a large number of supervisory staff

underground and so the supervision work is not done by the concerned workmen. It was for the management to explain as to what work these concerned workmen were doing. In this connection the evidence of MW-2 should go to mean that the jobs which are being done by the surface mates are being done by these concerned workmen underground. In this view of the matter the attitude of the management is discriminatory so far as the workmen working in the underground are concerned.

9. The management, however, has tried to show from Ext. M1 that there was an agreement between the union and the management that these workmen were not entitled to category V plus incentive of Re. 1 per head per day. There was a further agreement that these concerned workmen were to apply for being considered for the post of watchman. I do not think that Ext. M1 could be said to be an agreement. The concerned workmen were further not even assured that they would be employed as watchmen because their suitability were also had to be considered by the management. Ext. M1 is therefore only a minutes of discussion and so it cannot be said to be an agreement between the union and the management. The reference is accordingly answered as below :

10. In view of the above discussions I hold that the demand of the workmen of Noonodih-Jitnur colliery of Messrs Indian Iron and Steel Company Limited Post office Bhaga, District Dhanbad for payment of Category-V wages plus Re. 1 per day to Sarvashri Ram Prasad Kumar, Shivji Chowbey and Kapildeo Yadav is justified. Consequently, they will be entitled to category V wages plus Re. 1 with effect from March, 1973, i.e. from the time when they started working as mates after the explosion.

This is my award.

J. P. SINGH, Presiding Officer.
[No. L-20012(128)/80-D. III(A)]

S.O. 2462.—In pursuance of section 17 of the Industrial Industrial Disputes Act, 1947 hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Kendwadih Colliery of Messrs Bharat Coking Coal Limited and their workmen which was received by the Central Government on the 16th May, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 67 of 1981

PARTIES :

Employers in relation to the management of Kendwadih Colliery, Bhagaband Area (Area No. VII) of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad.

AND
Their Workmen

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.
For the Workmen—Shri K. P. Gupta, Area Secretary,
Janta Mazdoor Sangh.

STATE : Bihar INDUSTRY : Coal
Dhanbad, dated, the 9th May, 1983

AWARD

The present reference arises out of Order No. L-20012(251)/81-D.III(A) dated, the 26th November/1st December, 1981 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

"Whether the demand of the workmen of Kendwadih Colliery, Bhagaband Area (Area No. VII) of Messrs

Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad that the workmen listed in the Annexure below should be designated as Stowing Tyandals and paid in Category-IV is justified ? If so, to what relief are the workmen concerned entitled and from what date ?"

ANNEXURE

S. No. Name.—

1. Shri Bali Ram
2. Shri Saligrama
3. Shri Md. Hasim
4. Shri Md. Sabir
5. Shri Bhikhu Hazra
6. Shri Kakhan Prasad
7. Shri Bhuneswar Paswan
8. Shri Madhusudan
9. Shri Ram Sahay Yadav
10. Shri Sarju Prasad
11. Shri Batan Dusadh
12. Shri Remsanchi Harizan
13. Shri Koleshwar Harizan
14. Shri Niwaran Singh
15. Shri Ramsanchi Harizan
16. Shri Huseni Mia
17. Shri Ganga Mistry
18. Shri Jatlu Dusadh
19. Shri Kailash Dusadh
20. Shri Sarafat Khan
21. Shri Arjun
22. Shri Sadhu Yadav
23. Shri Chandradeep
24. Shri Sakal Roy
25. Shri Ganju Rajwar.

2. The dispute has been settled out of Court. A memorandum of settlement dated 26-4-1983 has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

MANORANJAN PRASAD, Presiding Officer
[No. L-20012(251)/81-D.III(A)]

Draft for approval
BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 1, AT
DHANBAD

Reference No. 67 of 1981

Employers in relation to the Management of Kendwadih Colliery.

AND

Their Workmen

Without prejudice to respective contentions of the parties contained in their written statements the parties have amicably settled the dispute on the following terms.

TERMS OF SETTLEMENT

- (a) That the workmen named in the reference are working as stowing Mazdoor of Kendwadih Colliery and they have been placed in Cat. III.
- (b) That, the works of carrying heavy materials meant for tyandals are also being carried on by some of the workmen as and when required.
- (c) That, the parties have agreed to make the stowing Mazdoors who have completed three Yrs of service in on jobs as tyandals and to place them in Cat. IV. with effect from 1-4-83.
- (d) That, the workmen who will not be promoted to Cat. IV under this settlement will continue to work as stowing Maz. and they will continue to get Cat. III wages which they are getting at present.

(c) That, the workmen who will be fitted in Cat. IV from 1-4-83 are named in the list annexed herewith and marked as Annexure 'A'. The workman who will continue to work as stowing Moz in Cat. III have been named in the list Annexured herewith and marked as Annexure 'B'.

2. That in view of the settlement arrived at there exist no the special peculiarity existing in this colliery in which the tyndals & stowing Mozdoors have been mixed up, and the stowing Mozdoors have been asked to work as tyndals very often in revoving heavy materials both underground and surface.

2. That in view of the settlement arrived at there exist no further dispute to be adjudicated.

3. That, the terms of the settlement are fair and proper. Under the facts and circumstances stated above the Honourable tribunal will be graciously pleased to hold that the terms of settlement are fair and proper and will be pleased to pass the award in terms of settlement.

Illegible

Illegible

Signature of the Union :

Signature of Management.

DECLARATION

We the following workmen do hereby declare that the contents of the settlement were explained to us by the Secy. of our union and we care fully understood the same. We hereby put our signature/L.T.I. below in token of acceptance of the terms and condition of the settlement in the presence of Sri Birendra Nath Pandey who stand as witness to this effect.

Sl. No.	Name	Sig./ L.T.I.
---------	------	--------------

1. Shri Bali Ram
2. „ Saligram
3. „ Md. Hasim
4. „ Md. Sabir
5. „ Bhiku Hazra
6. „ Lakhan Prasad
7. „ Bhuneswar Paswan
8. „ Madhusudan
9. „ Ram Sahay Yadav
10. „ Sarju Prasad
11. „ Batan Dusadh
12. „ Ramsanehi
13. „ Koleshwar
14. „ Niwaran Singh
15. „ Ahamed Ansari
16. „ Hussaini Mia
17. „ Ganga Mistry
18. „ Jatlu Dusadh
19. „ Kailash Dusadh
20. „ Sarafat Khan
21. „ Arjuna
22. „ Sadhu Yadav
23. „ Chandradeep
24. „ Shanker Rai
25. „ Ganju Bajwar

Sd. Secretary of Janta Mazdoor Sangh
Part of the Award

S/o/Major Jan Prasad, Presiding Officer

WITNESS :

1. Sd/Illegible

2. Sd/ Ramesh Singh

Sd/ Management Kondwadih Colliery

Annexure A :

List of workers who will be promoted to Cat. IV with new designation:

Sl. No.	Name	Designation	New designation	Promoted in Cat. IV.
1.	Baliram	Stowing moz	Stowing tyndel	Cat IV
2.	Saligram	-do-	-do-	-do-
3.	Hasim	-do-	-do-	-do-
4.	Md. Sabir	-do-	-do-	-do-
5.	Bhiku Hazra	-do-	-do-	do
6.	Lakhan Prasad	-do-	-do-	do
7.	Madhusadan	-do-	-do-	-do
8.	Sarju Prasad	-do-	-do-	-do
9.	Ramsanehi Har	-do-	-do-	-do
10.	Kaleswar Har	-do-	-do-	-do-
11.	Niwyan Singh	-do-	-do-	-do-
12.	Ahmad Ansari	-do-	-do-	-do-
13.	Huseni Mia	-do-	-do-	-do
14.	Ganga Mistry	-do-	-do-	-do
15.	Arjuna	-do-	-do-	-do
16.	Chandradeep	-do-	-do-	-do
17.	Ganju Bajwar	-do-	-do-	-do

ANNEXURE 'B'

List of workers who will continue the present Cat. III

Sl. No.	Name	Designation	Cat. III
1.	Sri Bhuneswar Paswan	Stowing moz	Cat. III
2.	„ Ramsahay Yadav	-do-	-do-
3.	„ Batan Dusadh	-do-	-do-
4.	„ Jatlu Dusadh	-do-	-do-
5.	„ Sri Kailash Dusadh	do-	-do-
6.	„ Sarafat Khan	-do-	-do-
7.	„ Sadhu Yadav	-do-	-do-
8.	„ Sakal Roy	-do-	-do-

Sd/

(Signature of Management representative)

Signature of Union representation

S.O. 2453.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Burragarh Colliery of Messrs Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 16th May, 1983.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD,

In the matter of a reference under section 10(1) (d) of the

Industrial Disputes Act, 1947.

Reference No. 14 of 1983.

PARTIES :

Employers in relation to the management of Burragarh Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, Dist. Dhanbad

AND
Their Workmen

APPEARANCES:

For the Employers : Shri B. Joshi, Advocate.
For the Workman : Shri S. P. Singh, General Secretary,
Khan Mazdoor Congress.

State : Bihar Industry : Coal
Dhanbad, dated, the 7th May, 1983

AWARD

By Order No. L-20012(326)/81-D. III(A), dated, the 9th February, 1982, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal or adjudication :

"Whether the action of the management of Burragarh Colliery of Messrs Bharat Coking Coal Limited, Post Office, Jharia, District Dhanbad in refusing employment to Shri Topi Mistry, Tub Repairer with effect from the 3rd November, 1973 is justified? If not, to what relief is the workman concerned entitled?"

2. The case of the management is that the concerned workman, Topi Mistry, was a tub-repairing mazdoor and he was a contractor's employee engaged in tub making and repairing job and there was no employer-employee relationship between the management and the concerned workman at any time. The management abolished the contract system of tub making and repairing in the year 1973 and it engaged its own employees on these jobs and some of the contractor's employees were also recruited by it on these jobs purely on the basis of merit and competency to meet its need. The concerned workman, who was a contractor's employee, had lost one of his eyes due to an accident and he received payment due to him under the Workmen's Compensation Act, 1923, and as he had become unfit to work as tub repairing mazdoor, which is both surface and underground work, involving risk and hazard, he did not apply for a job at the time of recruitment of contractor's employees by the management in the year 1973 after the abolition of the contract system, and the raising of this dispute after a lapse of seven years indicates some ulterior motive on the part of the concerned workman. There is also no provision in the Workmen's Compensation Act, 1923 to provide some job to a workman who becomes invalid for further employment on account of an accident. The job of making and repairing tub requires a greater degree of skill and proper attention in which a hammer man gives hammer blows repeatedly while the mistry holds the rivets in its position by means of appliances and improper vision due to want of eye-sight of one eye makes the job highly risky and accident prone, involving serious risk not only to the one-eyed person but to all other workmen associated with him in the work. The Director General of Mines Safety had also by circular No. 41 of 1959 intimated the mine managements that the Central Government prohibited employment of one-eyed persons in mines as their judgments are found to be defective due to absence of stereoscopic vision. Thus, one-eyed person unfit to be employed in a mine or in a workshop or dangerous operations involving risks to himself and to his associates. The contention of the management, therefore, is that the concerned workman has go no right to claim employment as tub repairer and he is not entitled to any relief.

3. The case of the concerned workman, on the other hand, is that he was working in the workshop of the management as tub repairing mistry since long on piece-rated basis against permanent vacancy and he was not a contractor's employee. During the course of his duty he met with an accident on 3-5-72 in which he lost his left eye and in that connection he was admitted in Kustore Colliery Hospital where he was till 3-11-73. Thereafter the Colliery Hospital Medical Officer declared him fit to resume his normal duty. He then approached the local Burragarh Colliery management with fitness certificate for the job but the local management advised him to take some rest as a precautionary measure. Meanwhile the Medical Board examined him and assessed disability and recommended light duty on surface. As the job of tub repairer is on the surface, the concerned workman approached

the local management for his own original job of tub reparer. The local management assured him that his case had been forwarded to the Area Officer for approval, and, in this way, they kept him running from Area Office to Karmik Bhawan. But, when nothing materialised, he raised the present dispute before the Assistant Labour Commissioner (C), Dhanbad on 1-1-80 and during the course of discussion the management expressed its desire to settle the matter mutually but this proved to be a trick played by the management to delay the matter and hence he again raised the dispute before the Assistant Labour Commissioner (C), Dhanbad on 15-6-81 but due to the adamant attitude of the management the conciliation proceeding ended in failure leading to the present reference for adjudication. It is further his case that there were 41 workmen working as tub repairers including himself out of whom he was the senior most and formerly the mode of payment was piece-rated but the management changed the mode of payment from piece-rated to time-rated from 5-2-73 in respect of some other tub repairers but refused employment to him inspite of the certificate by the Colliery Hospital Medical Officer and Medical Board's recommendation. The contention of the concerned workman, therefore, is that he is fully entitled to be reinstated on his original job of tub repairer with full back wages for the idle period.

4. Three witnesses have been examined on either side and some documents have also been exhibited.

5. Sri I. D. Singh (MW-1) is Dy. Personnel Manager in Kustore Area No. VIII within which Burragarh Colliery lies. He has deposed that he has been handling the present case on behalf of the management from the stage of conciliation proceedings and he has examined all the records of Burragarh Colliery to find out if the name of the concerned workman, Topi Mistry, ever appeared as a workman in the records of the colliery, but he nowhere found his name. He has also produced the Identity Card Register of Burragarh Colliery (Ext. M-1) and has deposed that he has examined that register but nowhere he has found the name of Topi Mistry. In his cross-examination he has said that Identity Card Register was prepared in the year 1973 and the names of all the workmen appointed in Burragarh Colliery after 1972 are entered in the register.

6. Sri Nagendra Nath Fathak (MW-2) had been working as Attendance Clerk since 1949 when Burragarh Colliery was privately owned, and after its management was taken over by the Central Government with effect from 17-10-1971 under the Coking Coal Mines (Emergency Provision) Act, 1971 and after its vesting in the Central Government with effect from 1-5-72 under the Coking Mines (Nationalisation) Act, 1972, he is working as Time Keeper since 1976. He has deposed that before 1973 the work of repairing tubs and making new tubs was being done in Burragarh Colliery through contractor and the concerned workman, Topi Mistry, was not an employee of the management of Burragarh Colliery, but he was a contractor's employee. He has further deposed that after the system of contract work was abolished, the management of B.C.C.L. had appointed some of the contractor's employees as employees of the B.C.C.L. in the year 1973, and, in this way, about 10 employees of the contractor were appointed as the employees of the B.C.C.L. in the year 1973, but the concerned workman, Topi Mistry, was not appointed as he had lost eyesight of his one eye because of some injury in his eye. In his cross-examination he has admitted that Topi Mistry was given compensation for his eye injury under the Workmen's Compensation Act, 1923.

7. Sri A. K. Singh (MW-3) is working as Manager of Burragarh Colliery since 31-1-82. He has deposed that he has got experience of 23 years of coal mines of different collieries. According to him, in coal mines the tub repairers have sometime to work on surface and sometime by going underground in the mines, and in course of repairing tubs one workman holds the chisel and another strikes the hammer, at the time of rivetting and at the time of cutting the rivets, and a person who has defective eyesight cannot be employed on such a work as it involves chances of accident to the workman concerned and also to other workmen. In his cross-examination he has stated that in Burragarh Colliery there is a room on the surface in which tubes are repaired but since most of the tubes get damaged in the underground the workmen employed in repairing tubs are required to go underground and bring those damaged tubs to the surface for being repaired in that room and sometimes the tubs bust out in the underground and sometime it comes also goes out of shape and is damaged, and, in such cases, the tub repairers have to go underground to put those tubs in shape or to

cut a part of it so that they could be accommodated in the cage for bringing them to the surface by means of lift to be repaired in the black-smith room which is on the surface. It is further deposed in his evidence, that if an employee of the B.C.C.L. loses one of his eyesight in course of his employment the management tries to accommodate him and employ him on some other lighter job in the surface but he does not know of any specific case in which it has been done by the management in similar situation. He has further stated that if an employee of the colliery falls ill or is injured in course of his employment the management refers him to the colliery hospital and if necessary he is also referred to the Central Hospital for treatment. It is next in his evidence that from the available records of Burragarh Colliery it does not appear that Topi Mistry was an employee of the colliery or that he lost his one eye in course of his employment as an employee of the colliery.

8. Topi Mistry (WW-1) is the concerned workman. He has deposed that he was working as tub repairer from the time of the outgoing proprietor and there were 11 workmen employed in the work of tub repairing including himself and the tub repairing work used to be done at No. 3 Pit of Burragarh Colliery on the surface where old tubs used to be repaired and new tubs also used to be made for Burragarh colliery for which materials also used to be supplied by the said colliery. He has further stated that all the aforesaid 11 workmen including himself were workmen of the outgoing proprietor of the Burragarh Colliery and they were not workmen of any contractor and even after nationalisation of the colliery the game system continued and they continued to work in Burragarh Colliery as workmen of the B.C.C.L. It is next his evidence that he got some injury in his left eye at the pit site while engaged in the work of tub repairing on 3-3-72 (this date 5-3-72 given by him in his evidence seems to be an apparent mistake for 3-5-72 as it is his case in his written statement that he got the eye injury on 3-5-72 which has not been controverted by the management either in its written statement or rejoinder and that is also the date of injury mentioned in the certificate dated 2-11-73 Ext. W-1 granted by the Medical Officer of Kustore Central Hospital) and at first his eye injury was treated in the colliery hospital and thereafter he was referred to Kustore Central Hospital and from Kustore Central Hospital he was referred to the Central Hospital, Dhanbad, and he was discharged from the Central Hospital Dhanbad in the year 1973 and he had also received compensation from the Area Office, Kustore of B.C.C.L. for the eye injury that he had received while employed in tub repairing work. It is next his evidence that after being discharged from the hospital he had gone to the colliery for being given his original job of tub repairer and there he had showed the medical certificate (Ext. W-1) but he was told by some officer of the colliery that he would not be able to work and hence he should wait for sometime till he fully recovered and become fit for doing job of tub repairer, and sometime thereafter he again met that officer who told him that his relevant papers had been submitted and that he would get back his job in due course, but nothing happened and in this way much time was lost and he did not get his job and the management did not provide him either his original work of tub repairer or any other work. He has added that if the management would have given any work to be done on the surface he would have gladly accepted it. According to him, the other ten workmen who were working with him as tub repairers are still in the employment of the management but he has been denied any such employment. It is further his evidence that because of his injury in his left eye he has lost eye-sight of his left eye but the eye-sight of his right eye is alright and he can do the tub repairing work with the help of only his right eye. According to him, the tub repairers do the work of tub repairing only under a shed constructed for the purpose on the surface and they are not required to go inside the mine. In his cross-examination he has not been able to give the name of the officer of the colliery to whom he is said to have submitted his medical certificate and who is said to have told him that the relevant papers had been submitted and that he would get his job in due course.

9. Shankar Mistry (WW-2) is presently employed in Burragarh Colliery since last 5 years as a welder and before that he worked there as a tub repairer till 1977. He has denied that tub repairing work used to be done under a contractor during the time of outgoing proprietor of the colliery. According to him there were 11 workmen in the gang engaged in tub

repairing work including the concerned workman Topi Mistry who got an eye injury after the nationalisation of the colliery, and, out of those 11 tub repairers, 10 are still working in the colliery under the management of B.C.C.L. after its nationalisation but the concerned workman Topi Mistry was not allowed to work as tub repairer by the management after he came back to resume his job as tub repairer on being discharged from the hospital where he had been admitted for treatment of his eye injury. He has also stated that the tub repairing work is done at the surface of the mine and tub repairers are not required to go inside the mine. In his cross-examination he has admitted that he is full elder brother of the concerned workman Topi Mistry. According to him, during the time of the outgoing proprietor the rate of different items of work were fixed and he used to get his wages according to the amount of work of different types done by him, and in 1972 also he was a piece-rated employee even after the nationalisation of the colliery but he was absorbed in the BCCL as monthly paid time-rated employee since 1973 whereafter he has been given identity card as well as bonus card and he has also been made a member of the provident fund and has been given Coal Mines Provident Number, and he also gets his pay slip. He cannot say if the tub repairers go inside the mines to cut the damaged tubs which bulge out for being made fit for being brought to the surface for repairing.

10. Sukai Choudhari (WW-3) has deposed that formerly he used to work in Kustore colliery as Prop Mazdoor and while working as Prop Mazdoor he got eye injury in his left eye in the year 1973 but the eye sight of his left eye is intact and he can see with the help of specs and he has been provided by the management of Kustore colliery with an alternative job of distributing explosives in the magazine where he is still working. In his cross-examination he has stated that he is using specs since 1974 and he requires glasses in his both eyes and the alternative job that has been given to him after he got eye injury is lighter one.

11. As already mentioned above, Ex. M-1 is the identity card register of Burragarh Colliery which was prepared in the year 1973 in which the names of all the workmen appointed after 1972 were entered in which, however, the name of the concerned workman Topi Mistry does not appear and Ex. W-1 is a photostat copy of the medical certificate dated 2-11-73 granted by the Medical Officer of Kustore Central Hospital certifying that the concerned workman Topi Mistry, tub repairer who met with a serious accident on 3-5-72 and lost the eye-sight of his left eye, is fit to work on surface on his previous duty.

12. It is the case of the management that the concerned workman Topi Mistry and other tub repairers were working since the time of the outgoing proprietor of the colliery as contractor's employees and they continued to work as contractor's employee even after the nationalisation of the colliery with effect from 1-5-1972 till some of them were recruited by the management as their monthly paid employees in the year 1973 on the basis of merit and competency to meet the need of the management. But the management has not been able to file any paper to show that the concerned workman and other tub repairers were the contractor's employees since the time of the outgoing proprietor and they continued to work as contractor's employees even after the nationalisation of the colliery with effect from 1-5-72 till some of them were recruited by the management in the year 1973 as their monthly paid employees. The oral evidence adduced by the management on this point is also meagre and unsatisfactory. The only oral evidence which the management has adduced on this point is the evidence of Nagendra Nath Pathak (MW-2) who has deposed that he is working in Burragarh Colliery as Time Keeper since 1976 and before that he had worked there as attendance clerk since 1949 and that before 1973 the work of repairing tubs and making new tubs was being in Burragarh colliery through contractor and that the concerned workman Topi Mistry was a contractor's employee and that after the system of contract work was abolished the management of B.C.C.L. had appointed about 10 employees of the contractor as the employees of the B.C.C.L. in the year 1973 but the concerned workman Topi Mistry was not appointed as at that time there was some injury in his eye due to which he had lost his eye-sight. In his cross-examination, however, he has stated that he does not know what was the agreement between the management

and the contractor regarding repairing and making of new tubs nor he can say whether the contractor used to be paid on piece rated basis nor he can say what was the mode of payment of the repairing work between taking over the management of the colliery on 17-10-71 under Coking Coal Mines (Emergency Provisions) Act, 1971 and 1973. He has named one Indra Leo Mistry as the contractor but has admitted that he had not seen any paper in the office of the B.C.C.L. designating Indra Leo Mistry as the contractor. According to him the said Indra Leo Mistry was also appointed in the year 1973 as an employee of the B.C.C.L. and now he is working in Burragarh colliery as a welder. Therefore, as already stated, the management's oral evidence also on this point is too meagre and unsatisfactory and I am, therefore, inclined to believe the evidence of the concerned workman Topi Mistry (WW-1) and his witness Shankar Mistry (WW-2) that the concerned workman Topi Mistry and other tub repairers of Burragarh colliery were all the workmen of the outgoing proprietor of Burragarh colliery on piece rated basis and they were not workmen of any contractor and even after the nationalisation of the colliery with effect from 1-5-72 under the Coking Coal Mines (Nationalisation) Act, 1972 the same system continued and they continued to work as the workmen of the management of the B.C.C.L.

12. But unfortunately only two days after the nationalisation of the colliery with effect from 1-5-72 under the Coking Coal Mines (Nationalisation) Act, 1972, the concerned workman, Topi Mistry, got an eye injury in his left eye on 3-5-72 with the result that he had to be hospitalised from where he was discharged sometime in November 1973 after having lost the eye sight of his left eye, but, in the meantime, the management had absorbed some of the tube repairers as regular monthly paid employees of the B.C.C.L. The concerned workman, Topi Mistry, was, however, not so absorbed after being discharged from the hospital as he had lost eyesight of his left eye. He was, however, admittedly given compensation by the management under the Workmen's Compensation Act, 1923.

13. The question, therefore, is whether the concerned workman Topi Mistry who has been held to have been working as a tub repairer since the time of the ex-proprietor as a piece-rated employee of the ex-proprietor and not as an employee of any contractor and who, therefore, under Section 17(1) of the Coking Coal Mines (Nationalisation) Act, 1972 became an employee of the B.C.C.L. with effect from 1-5-72 in the same terms, but who got an eye injury only two days thereafter resulting in loss of his left eye sight, was entitled to be employed by the management on his original job as tub repairer after he was discharged from the hospital in the year 1973 or to be given any alternative lighter job. In this connection the concerned workman relies on a photostat copy of the certificate dated 2-11-73 (Ext. W-1) in which the Medical Officer of Kustore Central Hospital had certified that the concerned workman Topi Mistry tub repairer, who met with serious accident on 3-5-72 and lost the eye sight of his left eye, is fit to work on surface on his previous duty. But it is the case of the concerned workman himself in his written statement that meanwhile the Medical Board had examined him and had assessed his disability and had recommended light duty on the surface. In this connection it is also the evidence of Sri A. K. Singh (MW-3), who is working as manager of Burragarh colliery since 31-1-82 and has got experience of 23 years of coal mines in different collieries, that in coal mines the tub repairers have some time to work on the surface and sometime by going underground the mines as most of the tubs get damaged in the underground and the workers employed in repairing tubs are required to go underground and bring those damaged tubs to the surface for being repaired and sometimes the tubs bulge out in the underground and sometimes its frame also goes out of shape and is damaged, and, in such cases, the tub repairers have to go underground to put those tubs in shape or to cut a part of it so that they can be accommodated in the cage for bringing them to the surface by means of lift, and, in course of repairing tubs, one worker holds the chisel and another strikes the hammer at the time of rivetting and at the time of cutting the rivets and a person who has defective eye sight cannot be employed on such work as it involves chances of accident to the workman concerned and also to other workmen. The concerned workman Topi Mistry, (WW-1) and his full brother Shankar Mistry (WW-2) have no doubt, deposed that the tub repairers are not required to

go inside the mine to bring the damaged tubs to the surface for repairing, but the job description of the tub repairing/making mazdoor as given in Central Coal Wage Board Recommendations, Vol-II, Appendix V, Category II, at page 43, would show that he is a worker who assists a tub-repairer or tub-repairing blacksmiths and generally works under the directions of the repairers or blacksmiths on the surface, and very occasionally underground. Therefore, I am inclined to believe the evidence of Sri A. K. Singh (MW-3), Manager of Burragarh Colliery, that the tub repairers have also at times to go inside the mines to bring the damaged tube to the surface for being repaired and in connection with that work the tub repairers have also to cut the bulged out tubs or to put the tubs in shape to accommodate them in the cage for being brought to the surface by means of lift and that the tub repairer's work is hazardous in nature as at the time of rivetting and at the time of cutting the rivets one worker holds the chisel and another strikes the hammer and a person who has defective eyesight cannot be employed on such a job. In circular No. 41 of 1959 of the Director-General of Mines Safety, which has been placed before me in a bound volume, it has also been stated that in some cases doubts had been raised, as to the fitness of one-eyed persons for employment below ground, and the matter was referred to the Central Government for advice and they had expressed the opinion that as one-eyed persons have no stereoscopic vision their judgement underground is apt to be defective, and in view of this the Government of India do not consider it safe to employ unioocular persons underground and if any management wishes to keep experienced persons who have lost one eye as a result of accident, etc. they may be found suitable occupation on the surface. It would, thus, be noticed that the concerned workman Topi Mistry, after he lost the eye sight of his left eye was no longer fit to be employed as a tub repairer which is a hazardous work and in which one has not only to work on the surface but also to go underground the mine to bring the damaged tubs after cutting the bulged out ones and hence after being paid the compensation under the Workmen's Compensation Act, 1923, he was not entitled to be continued to be employed as tub repairer, nor the management was bound to do so.

14. So far as the question of providing some alternative light job to the concerned workman, Topi Mistry, is concerned, as has been done by the management of Kustore colliery in the case of Sukai Choudhari (WW-3), a Prop Mazdoor, who had also got an injury in his left eye but who has not lost the eye sight of his left eye and who has been provided with an alternative job of distributing explosives in the magazine, that is a matter for the concerned workman to negotiate and for the management to consider in its discretion on humanitarian ground subject to the availability of any such light job, but that cannot be a matter of adjudication by this Tribunal.

15. In the result, I hold that the action of the management in refusing employment to the concerned workman Topi Mistry, tub repairer, with effect from 3-11-1973 is justified and the concerned workman is not entitled to any relief. In the circumstance of the case, however, there will be no order as to cost.

MANORANJAN PRASAD, Presiding Officer.

[No. L-20012(326)/81-D. III(A)]
A. V. S. SARMA, Desk Officer

New Delhi, the 21st May, 1983

S.O. 2464.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi in the industrial dispute between the employers in relation to the Punjab National Bank, Chandigarh, and their workmen which was received by the Central Government on the 13-5-83.

BEFORE SHRI O. P. SINGH A PRESIDING OFFICER :
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :
NEW DELHI BENCH AT CHANDIGARH

I.D. No. 125 of 1983

In the matter of disputes between
Workman through

The P. N. B. Northern Zone Employees Union, 162,
Shakti Nagar, Jullundur City.

AND

The Punjab National Bank, Chandigarh.

PRESENT :

Shri V. C. Jaitley—for the Management.

None—for the workmen.

AWARD

The Central Government, Ministry of Labour, on 29th July, 1983 vide Order No. L-12011(14)/81-D.II(A), made the reference of the following dispute to this Tribunal or adjudication:—

"Whether the action of the management of Punjab National Bank, Chandigarh in not paying House Rent Allowance to the employees working in its branches at Dhanas, Palaura and Malea (within the qualifying limits of 8 Kms of Chandigarh) on Chandigarh pattern is justified? If not, to what relief are the workmen concerned entitled?"

2. The General Secretary, The P. N. B Northern Zone Employees Union, wrote to this Tribunal on 10-4-1983 that the workmen were no longer interested to contest/argue this case before this Tribunal and the case may be closed.

3. In this situation, the reference made to this Tribunal cannot be proceeded with further and is terminated and a 'No Dispute Award' is made.

Further ordered that the requisite number of copies of this Award be forwarded to the Central Government for necessary action at their end.

O. P. SINGLA, Presiding Officer.
[No. L-12011/14/81-D.II.A]

S.O. 2465.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi in the industrial dispute between the employers in relation to the Punjab National Bank, Amritsar and their workmen, which was received by the Central Government on the 13th May, 1983.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI BENCH AT CHANDIGARH

I. D. No. 130 of 1983

In the matter of dispute between :

Shri Mangat Ram Chhabra Clerk, Punjab National Bank Amritsar.

AND

Punjab National Bank, Amritsar.

PRESENT :

Shri Malvinder Singh—for the Management.

None—for the workman.

AWARD

The Central Government, Ministry of Labour on 10th July, 1982 vide Order No. L-12011/73/81-D.II(A), made the reference of the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Punjab National Bank, Amritsar in promoting Shri Mangat Ram Chhabra, Clerk to the Post of Special Asstt. with effect from 16-7-81 ignoring the claim of Shri V. R. Satia, Senior-most Clerk, for promotion is justified? If not, to what relief is the workman Shri V. R. Satia entitled?"

2. Shri O. P. Sehgal, General Secretary, The P.N.B. Northern Zone Employees Union, on 10th April, 1983 wrote to this Tribunal that Shri Mangat Ram Chhabra, the workman, was no longer interested to contest/argue this case before this Tribunal and the workman and the Union requested that the case may be closed.

3. Under the circumstances, the reference cannot be proceeded with further and is terminated and a 'No Dispute Award' is made.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

April 23, 1983

Sd/-

O. P. SINGLA, Presiding Officer
[No. L-12011/73/81-D.II.A]

S.O. 2466.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi in the industrial dispute between the employers in relation to the Central Bank of India, Meerut Division, Meerut and their workmen, which was received by the Central Government on 13-5-83.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 98 of 1978

In the matter of dispute between :

Shri Ram Avtar Sharma, son of Shri Kanshi Ram Sharma resident of Village Khera Hstana, District Meerut, U.P.

AND

The Management of Central Bank of India, Meerut Division, Meerut.

APPEARANCES :

Shri Tara Chand Gupta—for the workman.
Shri S. Trivedi—for the Management.

AWARD

The Central Government, Ministry of Labour, on 15/11-1978 vide Order No. L-12011/85/78-D.II.A. made the reference of the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of the Central Bank of India, Meerut Division, Meerut, in denying permanent employment to Shri Ram Avtar Sharma and Goverdhan Prasad Pant, Ex. Asstt. Cashier-cum-Godown Keepers inspite of their having passed the prescribed qualifying written test/interview held for the purpose in 1972 is legal and justified? If not, to what relief are the workmen concerned entitled?"

2. The claim of Shri G. P. Pant has been given up and he has joined service in the Union Bank of India. Only the claim of Shri Ram Avtar Sharma needs to be examined.

3. Both Shri Ram Avtar Sharma and Shri G. P. Pant were empanelled by the Central Bank of India for appointment in Clerical Cadre of the Central Bank Services at Meerut in June, 1972. In order of ranking in the said panel, both of them were higher than Mr. M. S. Bhatia, who was shown at No. 13, while Shri Ram Avtar Sharma and Shri G. P. Pant were shown at Nos. 11 and 12 respectively.

4. Ultimately, Shri Ram Avtar Sharma and Shri Goverdhan Prasad Pant were not permanently absorbed on the posts of Assistant Cashier-cum-Godown Keeper while Mr. M. S. Bhatia was so absorbed.

5. The workmen, S/Shri Ram Avtar Sharma and G. P. Pant in their Statement of Claim, demanded a direction for giving permanent appointment to the post of Assistant Cashier-cum-Godown Keeper to them from the date when the first two vacancies arose or at least from the same date on which Shri Maharaja Singh Bhatia, who ranked below them, was given permanent employment. They also demanded full pay and allowances and all other consequential benefits.

6. The Management of the Central Bank of India contested the claim of these workmen. It explained that in May, 1968, the Central Bank of India formulated a recruitment policy whereunder one son/daughter of an employee who had completed 15 years of uninterrupted service in the

Bank was eligible for employment as 'reserved category'. In the case of such candidates relaxation was made in regard to the norms otherwise prescribed for general category candidates. They were given 5 years relaxation in the maximum age prescribed and they were also given relaxation in minimum qualification required. In place of a degree or first class Matriculation and higher second class with English and Mathematics and 50 per cent in aggregate in Matriculation Examination, the minimum qualification for the 'reserved category' was just Matriculation with English and Arithmetic. It was in terms of this policy that S/Shri Ram Avtar and G. P. Pant were accepted as qualified for the 'reserved category' posts and there was a ratio of 3 : 1 for the general category and reserve category candidates for the posts.

7. This procedure of reservation came under attack as being violative of Articles 14 and 15 of the Constitution of India and the legal opinion received by the Bank was that the constitutional guarantees under Articles 14 and 16 of the Constitution were binding upon the Central Bank of India also and reservation/relaxation in respect of lowering the eligibility norms was an illegal act and was unconstitutional by denying equal opportunity and guarantee of employment to all citizens under the State. The Bank, therefore, gave up that the policy, but decided to recruit in the 'reserved category' who had completed 240 days service in a period of 12 calendar months immediately preceding the date of the last termination. Shri Ram Avtar Sharma and Shri G. P. Pant did not fall within that category and were not recruited for permanent employment, while Mr. M. S. Bhatia was so eligible and was recruited.

8. The evidence of the parties has been recorded and the arguments of the parties have been heard. It is not disputed by the representative of Shri Ram Avtar Sharma that he had not completed 240 days' service in the year preceding the order of the Bank. It is also not disputed that Mr. M. S. Bhatia had completed 240 days' service in the year preceding the order.

9. It appears to me that the Bank took a rational decision to classify the 'reserved category' candidates into those who had rendered 240 days' service in the year preceding their decision and those who had not completed 240 days' service. When the Management of the Central Bank of India makes a classification depending upon the criterion contained in the Industrial Disputes Act, 1947 itself for determining eligibility for retrenchment compensation under Section 25F, the action of the Management cannot be said to be arbitrary or illegal.

10. It is unfortunate that Shri Ram Avtar Sharma, in his temporary employment, could not complete 240 days' service in the year preceding the Bank's decision to abolish the 'reserved category'. In the action of the Management in classifying the reserved category candidates into those who had completed 240 days and those who had not, for regular absorption in the Bank-service, cannot be said to be arbitrary, vindictive or calculated to damage the chances of Mr. Ram Avtar Sharma. The classification made of the 'reserved category' candidates for regular absorption in the Bank appears to be rational and proper, and Mr. Ram Avtar Sharma could not be continued in service and regularly absorbed for want of 240 days service with the Bank in the year in question. He is not entitled to any relief. The action of the Management of the Central Bank of India appears to be both proper and justified.

11. Accordingly the award is made in the terms aforesaid.

Further ordered that the requisite number of copies of this Award be forwarded to the Central Government for necessary action at their end.

Dated : May 4, 1983.

Sd/-

O. P. SINGLA, Presiding Officer
[No. I-12011/85/78-D. II.A]

S.O. 2467.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Govern-

ment Industrial Tribunal New Delhi in the industrial dispute between the employers in relation to the Punjab National Bank, Amritsar and their workmen, which was received in by the Central Government on the 13-5-83.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI BENCH AT CHANDIGARH

I. D. No. 70 of 1983

In the matter of disputes between :
Shri Darshan Kumar Dhir
through

The P. N. B. Northern Zone Employees Union, Jullundur City.

AND

Punjab National Bank Regional Office, Jalianwala Bagh Anjitsar.

PRESENT :

Shri Malwinder Singh—for the Management.
None—for the workman.

AWARD

The Central Government, Ministry of Labour, on 18th February, 1982, vide order No. L-12012(143)/81-D.II(A), made the reference of the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Punjab National Bank in relation to their Moga Branch in allowing Shri Darshan Kumar Dhir, officiating chances as teller from very beginning of his request transfer to Moga from 7-1-81, in place of Shri D. M. Sharma, Clerk, Typist, is justified? If not, to what relief is the workman (Shri D. M. Sharma) concerned entitled?"

2. Shri O. P. Sehgal, General Secretary, The P.N.B. Northern Zone Employees Union, wrote to this Tribunal on 10th April, 1983 that the workman and the Union were no longer interested to contest/argue this case before this Tribunal and they requested that the case may be closed.

3. Under the circumstances, the adjudication of this reference cannot be proceeded with and a 'No Dispute Award' is made.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

Dated . April 23, 1983.

Sd/-

O. P. SINGLA, Presiding Officer
[No. L-12012/143/81-D.II.A]

S.O. 2468.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi in the industrial dispute between the employers in relation to the Central Bank of India, and their workman, which was received by the Central Government on the 13-5-83.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI BENCH AT CHANDIGARH

In the matter of disputes between:

Smt. Lejwanti Part-time Sweepstress, Moga Branch,
Central Bank of India,

AND

Central Bank of India Chandigarh.

PRESENT :

Shri H. L. Chhibber—for the Management.
Shri R. K. Sharma—for the workman.

AWARD

The Central Government, Ministry of Labour, on 1st May, 1982 vide Order No. 12012/229/81-D.II(A), made the following reference to this Tribunal for adjudication :—

"Whether the action of the management of Central Bank of India in reducing the wages of Smt. Lajwanti, Part-time Sweeper, Moga Branch from 1/2 to 1/3 with effect from 18-7-79 is justified; If not, what relief the said workman is entitled?"

2. Today, the Management and the workmen represented and filed a settlement under which, Smt. Lajwanti had been paid one-half wages w.e.f. April, 1982 and for the period from 18-7-79 to 31-3-82, she was paid an amount of Rs. 3571.84 being the difference between 1/2 and 1/3 wages for that period and the parties requested that a 'No Dispute Award' be made on voluntary settlement of the dispute between the parties.

3. Under the circumstances, a 'No Dispute Award' is made.

Further order that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

Dated : April 23, 1983.

O. P. SINGLA, Presiding Officer
[No. L-12012/229/81-D II.A]

S.O. 2469.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi in the industrial dispute between the employers in relation to the Hindustan Commercial Bank Limited, Kanpur and their workmen, which was received by the Central Government on the 13-5-83.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 69 of 1983

In the matter of Disputes between :

Shri Shatee Ram Peon, Hindustan Commercial Bank Ltd.,
Hazrat Ganj, Lucknow.

Vs.

The Chairman, Hindustan Commercial Bank Ltd.,
Birhana Road, Kanpur.

PRESENT :

Shri J. C. Dhawan—for the Workman.

Shri Prabhat Shukla—for the Management.

AWARD

The Central Government, Ministry of Labour, on 28th May, 1982, vide Order No. L-12012(345)/81-D II(A), made the reference of the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Hindustan Commercial Bank Limited, Head Office, Kanpur in not allowing officiating promotion as Daity to Smt. Shatee Ram is justified? If not, to what relief is the workman concerned entitled?"

2. Today, the parties filed a settlement before me under which the Workman, Shri Shatee Ram, was promoted as Head Peon w.e.f. today in full and final settlement of the disputes without any claim for past benefits and the parties requested that a 'No Dispute Award' be made.

3. In view of the settlement between the parties and the promotion of Shri Shatee Ram, the workman, as Daity w.e.f. 28-4-1983, the dispute referred to this Tribunal does not survive for adjudication and accordingly, a 'No Dispute Award' is made.

225 GI/83—7

Further order that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

Dated : April 23, 1983.

Sd/-

O. P. SINGLA, Presiding Officer
[No. L-12012/345/81-D.II.A]
N. K. VERMA, Desk Officer

New Delhi, the 18th May, 1983

S.O. 2470.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the Industrial Dispute between the employees in relation to the management of Nandini Limestone Mines of Bhilai Steel Plant and their workmen, which was received by the Central Government on the 26-4-83.

BEFORE JUSTICE SHRI K. K. DUBE, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(39)/1981

PARTIES :

Employers in relation to the management of Nandini Lime Stone Mines of Bhilai Steel Plant and their workmen S/Shri P. R. Dwivedi and Babbon Upadhyaya, General Secretary and Joint Secretary of Khadan Mazdoor Panchayat at Nandini Mines, District Durg (M.P.)

APPEARANCES :

For Workmen—Shri H. C. Gupta, Vice President of the Panchayat.

For Management—Shri D. C. Henri, Law Officer (Mines).
INDUSTRY : Limestone Mine DISTRICT : Durg (M.P.)

AWARD

Dated, April 16, 1983

The Khadan Mazdoor Panchayat, union of the workmen of Nandini Mines under the Bhilai Steel Plant raised a dispute as to the justifiability of the transfers of P. R. Dwivedi and Babbon Upadhyaya holding post of General Secretary and Joint Secretary of the Panchayat of Rajhara Mines. The Central Government vide their Order No. L-29011(47) 79-D.III(B) dated 3rd October, 1981 under Sec. 10 of the Industrial Disputes Act 1947 referred the following issue for adjudication :—

"Whether the action of the management of Bhilai Steel Plant in relation to their Nandini Iron Ore Mines in transferring S/Shri P. R. Dwivedi and Babbon Upadhyaya, General Secretary and Joint Secretary of Khadan Mazdoor Panchayat at Nandini Mines, District Durg (M.P.) to their Rajhara Mines was justified? If not, to what relief the said workmen are entitled?"

2. In terms of the appointment orders of Upadhyaya and Dwivedi they were liable to serve in any part of India and were to be governed by Rules and Regulations of Services and administrative orders of the Company in force from time to time. It is not in dispute that in terms of the contract of service they could be transferred to any of the branches of the Hindustan Steel Limited. It has, however, to be examined in this case not so much on the basis of principles of contractual rights and obligations but how for the transfers were consistent with the principles of social justice in industrial law and that they did not result in victimisation.

3. The workmen of the Panchayat Union claim that it is their fundamental rights to form a Union and carry on legitimate trade union activities. It is contended that it is with a view to defeat the union activities that the transfers have been enforced and that the transfers were malafides. The orders of transfers were also challenged as illegal as the

procedure to be adopted in such cases was not followed I will take the last question first because if the workmen succeeded here it was not necessary to go into the question of malafides.

4. It is contended that whenever a transfer is made a proposal is first mooted; it is then approved by the senior officers, it is examined that the person transferred is required at another place and that there is some surplus staff which could replace him in the department from where he is transferred. Transfers in the instant case were from one mine to another and when the workmen came for duties one day at 9.30 a.m. they were given orders which also contained the relieving order. The haste with which the orders were issued would show the malafides of the management. It is contended that it could be inferred that the transfers were not for any administrative exigency but was the result of the management's attitude of being vindictive against them. The transfers orders, it is admitted, were issued by the competent authority but the relieving order was not by a competent authority and as such the transfer orders were vitiated.

5. Normally in case of a transfer it could well be expected that a proposal would be made and it would be examined. The transfers are generally made following a system and are with a view to keep up the efficiency in the organisation. It may not be wholly correct to say that in an organisation like Bhilai Steel Plant such transfer before the order was passed required days to process it. It will all depend upon the facts and circumstances of the case and it could well be that in urgent cases transfers could be made even on phone. Nothing, however, turns on the question that a short time of two days was taken to process the transfer orders of the workmen. Neither is there any substance in the content on that the relieving order was not made by a competent authority. Once an order of transfer by a competent authority was made and became effective by its service on the workmen the implementation of such order by giving charge, by issuing relieving orders were all parts of a process consequent on the transfer. If there was any illegality here i.e. relieving order was not proper or was not properly made it could not affect the validity of the transfer order. The transfer orders by the General Manager, in the instant case, had to be given effect to and could not be attained merely on the ground that relieving order was not by a competent authority. The learned representative, Shri D. C. Henri on behalf of the Bhilai Steel Plant, stated that if these points had been specifically raised in the rejoinder or in the written statement he would have placed all the relevant records to satisfy the Tribunal as to the validity of the orders made. In my opinion, it is not necessary to go into these questions as the transfer order by the General Manager being competent it was affected by irregularities in the issuance of relieving orders.

6. The transfer order as would appear from the order itself was as a result of job rotation. It therefore envisages a system under which the workmen is liable to be transferred. Instances have been placed before as where people have been transferred before and after Dwivedi and Upadhyaya. The job rotation indeed permits the management to transfer the employee and to some extent to a job which is somewhat different from the earlier one. It is for the management to decide such jobs to which the persons are to be transferred. It cannot be contended that the job rotation has to be effected by a transfer to Bhilai Steel Plant and it could not be between two mines. Nothing has been brought to my notice the breach of which could be examined by me. It is for the management to decide the job rotation how best it would be in the interest of the industry.

7. We then come to the most important point as regards malafides. This of course is a point which could legitimately be raised here. However, I find that no evidence has been led by the workmen from which I may come to a conclusion about the malafides of the management with any justification. Though in the written statement and rejoinder a number of facts and circumstances were alleged from which malafides could be inferred yet no attempt has been made to substantiate them. Merely from the fact that the orders of transfer had not been pronounced lengthily in the office and had been processed within a short time the malafides could not be inferred. Such a fact at best would be a corroborating piece of circumstance. But as already pointed out it will depend upon facts and circumstances of each

case and no hard and fast rule would govern the conduct of the management. I, therefore, find that the workmen have completely failed to establish malafides which would have affected the validity of transfer orders on any principles of social justice. The management would have the right to transfer their employees for the benefit of the industry and nor could it be contended the transfer defeated their rights of association as destructive of the union activities. This is an usual incident of the service and unless a transfer had to be tainted with malafides the transfer has to be held to be proper. The transfers were therefore justified. The parties shall bear their costs. The award is given accordingly.

K. K. DUBE, Presiding Officer
[No. L-29011(47)/79-D.III]

New Delhi, the 21st May, 1983

S.O. 3471.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad in the industrial dispute between the employer in relation to the management of Bisrampur Graphite Project of Messrs. Bihar State Mineral Development Corporation Limited and their workmen, which was received by the Central Government on the 30th April, 1983.

[No. L-29011(47)/79-D.II. B]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

Reference No. 14 of 1980

In the matter of an industrial dispute under S.10(1) (d) of the I.D. Act, 1947

PARTIES:

Employers in relation to the management of Bisrampur Graphite Project of Bihar State Mineral Development Corporation Limited and their workmen.

APPEARANCES:

On behalf of the employers—Shri B. P. Sinha, General Manager and Shri D. K. Singh, Project Manager.

On behalf of Palamau Khar Mazdoor Sangh—Shri Satya Pal Verma, President, Shri H. N. Singh, General Secretary, Hind Mazdoor Sabha,

On behalf of Chotanagpur Mines and Minerals Kamgar Union—Shri Ganesh Prasad Viswakarma, President.

STATE : Bihar

INDUSTRY : Graphite Mine

Dhanbad, 22nd April, 1983

AWARD

This is an industrial dispute under S.10 of the I.D. Act, 1947. The Government of India, Ministry of Labour by their order No. L-43011/3/78-D. III B dated 16th July, 1980 has referred the following dispute to this Tribunal for adjudication on the following terms:

SCHEDULE

- (1) Whether the demand of the workmen employed in Bisrampur Graphite Mine, P.O. Kanda, District Palamau of Mrs. Bihar State Mineral Development Corporation Limited for payment of bonus at the rate of 20 percent for the accounting year 1976-77 is justified? If so, to what relief the workmen are entitled?
- (2) Whether the demand of the workmen employed in Bisrampur Graphite Mine, P.O. Kanda, District Palamau of M/s. Bihar State Mineral Development Corporation Limited for revision of rates of wages of time-rated and piece rated workmen is justified? If so, to what relief the workmen are entitled?

2. As will appear from the terms of reference the demand of the workmen of Bisrampur Graphite Mine is that they should get bonus @ 20 percent for the accounting year 1976-77 and there should be revision of rates of wages of time rated and piece rated workmen. The dispute was raised by the President, Palamau Khan Mazdoor Sangh

represented by Shri Satya Pal Verma who filed the written statement. In paragraph 4 of the written statement it is stated that Bisrampur Graphite Mine, which is an undertaking of Bihar State Mineral Development Corporation Ltd. is earning a huge profit and therefore the workers are entitled to 20 per cent bonus. In paragraph 5 it is stated that the facts will be placed on scrutiny of the balance sheet of Bihar State Mineral Development Corporation (henceforth referred to as B.M.D.C.) The revision of wages is said to be justified on the ground that the workmen are being deprived of the minimum wages fixed by the Government of Bihar. It is said that around the Bisrampur Graphite Mine is Rajhara Colliery of Central Coalfields Ltd. and the limestone mine of Bokaro Steel Ltd. The workers of Rajhara colliery get their wages as laid down in the National Coal Wage Agreement known as NCWA-I and NCWA-II while Bhavnathpur Limestone workers get their wages as laid down in National Wage Agreement for Steel Industry. In paragraph 9 of the written statement it is stated that graphite is harder than coal and mining process is the same. It is also stated that there is no proper categorisation of workers of time rated jobs based on nature of job, skill and responsibility. Furthermore, it is said there that is no scale in the Bisrampur Graphite Mine nor payment of any D.A. depending on the mining operation was started immediately after its leave or medical assistance. It is further said that there is no statutory payment of wages under the Workmen's Compensation Act.

3. The management represented by the Managing Director filed the written statement. It has been stated that Bisrampur Graphite Project was taken over by the Bihar State Mineral Development Corporation Limited (B.M.D.C.) in 1976 and the mining operation was started immediately after its possession. According to Section 16 of Payment of Bonus Act, 1965 the employees of Bisrampur Graphite Project are entitled to bonus according to provisions of Sub-section (1)A, (1)B and (1)C of the said section. As five accounting years following the 1st week of sale, i.e. 1-11-76 had not expired the demand of the workmen for 20 per cent bonus is unjustified, and not legally payable. It is further said that this Project is a newly set up establishment and has suffered a loss and hence 20 per cent bonus is not payable. With regard to the wages to be paid to the workmen it is stated that the workmen are being paid in accordance with the notification No. E-2/5(A)-29 dated 28-5-79 issued under the M.W. Act. For these reasons it is said that the workmen are not entitled to any relief.

4. The President, Palamau Khan Mazdoor Sangh reiterated the same points as given in the written statement. Rejoinder was also filed on behalf of the management. The management in their rejoinder specified that the company did not start work in 1975 as alleged on behalf of the workmen. It is contended that the preliminary survey was made on 24-12-75 and the Bisrampur Graphite Mine was taken over on 31-12-75. The mining lease was registered on 27-4-76 and the exploration work started immediately thereafter and the first sale was made on 1-11-76. With regard to profit it has been stated that the accounts have not been audited but working balance sheet for each year from 1976-77 have been prepared and those will be filed at the time of hearing. It is further stated that Rajhara colliery and the limestone mine of Bokaro Steel Ltd. are not around Bisrampur Graphite Mine. Rajhara Colliery is said to be about 15 Kms from Bisrampur Mine and limestone mine of Bokaro Steel Ltd. is 70 Kms away from Bisrampur Graphite Mine. The labourers of coal mine and limestone mines are paid according to wage board recommendations and agreement, which are not applicable to the Bisrampur Graphite Mine.

5. In this case Chotanagpur Mines and Minerals Kamgar Union were added as party and the written statement was filed. No fresh point had been taken by this union.

6. It may be mentioned here that Palamau Khan Mazdoor Sangh left contesting this case in the midst of the proceeding. Shri Satya Pal Verma the President of the union featured as a witness for the workmen and he was examined in chief. He did not appear for cross-examination on the different dates fixed. His evidence therefore cannot be looked into for the purpose of this case. It may also be mentioned that on behalf of Chotanagpur Mines and Minerals Kamgar Union the case was contested but no argument either oral or written was advanced before this Court inspite of several adjournments.

7. Now let us take the first point in this reference resting on the question as to whether for the accounting year 1976-77 the workmen are entitled to 20 per cent of the bonus. In this connection there is unimpeachable evidence that the first sale started on 1-11-76. The accounting year is from 1st April, 1976 to 31st March, 1977. The Bisrampur Graphite Project therefore worked only for 5 months in the accounting year 1976-77. Obviously the case of the management is covered under Section 16 (1)A (1)B and (1)C of the Payment of Bonus Act, 1965. Moreover, in this case the evidence is that the Corporation has been suffering loss from the very inception of the corporation and the corporation has suffered a loss of Rs.6,45,864.60 as will appear from the copy of the audited balance sheet filed in this case. In this connection no counter evidence has been led. It may be pointed out that under section 16 of the Payment of Bonus Act, 1965 no bonus is payable to the workmen for 5 subsequent years from the date of sale, which in this case is 1-11-76. It is therefore clear that the workmen are not entitled to bonus for the year 1976-77, and there can be no justification for claiming 20 per cent bonus.

8. My finding in the aforesaid paragraph on the first point in the reference will show that the claim for bonus is misconceived because Section 16 of the Bonus Act, 1965 is a bar to such claim. It is apparent that for no reason whatsoever this dispute was raised by the Palamau Khan Mazdoor Sangh. Similar is the position with regard to the second point in this reference in which it has been alleged that the wage rates are inadequate in respect of time rated and piece rated workers and so it should be revised. It has been rightly contend on behalf of the management of B.M.D.C. that for graphite mines in India the wage rates are on the basis of the minimum wages fixed for mine workers by the Government of India through notification. It is not a disputed fact that the time rated workers and the piece-rated workers of graphite mines are getting the minimum wages fixed by the Government of India. So the position is that the management is paying its workers at the rates prescribed as minimum wages by the Government of India and so the management is fulfilling the requirement of law.

9. From the written statement of the workmen represented by the two unions it will appear that in the neighbourhood of Bisrampur graphite mines there is one Rajhara colliery of the Central Coalfield Ltd. The workers both piece rated and time rated in Rajhara colliery are paid according to the wage Board recommendations for Coal Industry and the subsequent agreements called NCWA-I and NCWA-II. It goes without saying that the coal mine workers are much more well off than the graphite mine workers. But we cannot apply the provisions of Coal Wage Board recommendation to the graphite mines. Similarly a plea has been taken that Bhavnathpur Limestone workers are paid wages according to National agreements for the Steel Industry. Bhavnathpur Limestone industry is a captive mine of Bokaro Steel Ltd. It is an accepted fact that they are getting much more as wages than the Bisrampur graphite mine workers. But we cannot apply the Steel Industry agreement to the graphite mines. Shri D. K. Singh, MW-I is the Project Manager of Bisrampur Graphite Project. He has said that graphite mines occur also in other States like Orissa, and Andhra Pradesh of this country. The graphite mine workers of those States also get minimum wages since graphite is also included under Minimum Wages Act and applied by the Government of India under notification. He has also said that about a dozen graphite mines are being worked by private parties in the district of Palamau. His information is that the workers of the private industries are not even being paid minimum wages. MW-I had said that there can be no concept of any wage without proportionate productivity in an industry. According to him the rate of productivity in Bisrampur mines is poor. According to him on the same rate of payment the Manasoti graphite mine workers are earning much higher wages i.e. on an average of Rs. 15 per day due to better efficiency and productivity. The witness has made it clear that the workers engaged in mining activity at Bisrampur are mostly from the neighbouring villages and they come to work whenever they find time to do so. The productivity is therefore low. He has also said that graphite is an item of export and purchased by exporting agencies. This country therefore has to face an international market and for this reason the D.M.D.C. has no control over the price of graphite which simply is regulated according to the competitive international rate.

10. I have already said that a member of witnesses have been examined on behalf of the workmen. But none of them has given any ample justification for revision of the rates of wages. The minimum wages fixed by the Government of India applicable to the Graphite Mines is being paid by the B.M.D.C. and to that extent the workers do not find fault. We have already said that the Graphite Mine workers cannot be paid the same wages which the coal mine workers and limestone workers of Bokaro Steel Ltd. are paid. I have therefore to hold that I do not see any justification for revision of rates of wages of time rated and piece rated workers of Bisrampur Graphite Mine of M/s. Bihar State Mineral Development Corporation Limited.

11. In view of my discussions above I hold that: (1) the demand of the workmen employed in Bisrampur Graphite Mine, P.O. Kanda, District Palamu of M/s. Bihar State Mineral Development Corporation Limited for payment of bonus at the rate of 20 percent for the accounting year 1976-77 is not justified, (2) the demand of the workmen employed in Bisrampur Graphite Mine, P. O. Kanda, District Palamu of M/s. Bihar State Mineral Development Corporation Limited for revision of rates of wages of time-rated and piece rated workmen is not justified.

Consequently, the workmen are not entitled to any relief.
This is my award.

J. P. SINGH, Presiding Officer.
[No. L-43011/3/78-D.IIB]
S. K. BISWAS, Under Secy.

New Delhi, the 7th May, 1983

S.O 2472.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3 Dhanbad in the industrial dispute between the employers in relation to the management of Salanpur Sub-Area of Eastern Coalfields Limited, Post Office Salanpur, District Burdwan and their workmen, which was received by the Central Government on the 3rd May, 1983.

ANNEXURE

Sl. No.	Name	Designation	Date of appointment	Old Scale	New Scale
(1)	(2)	(3)	(4)	(5)	(6)
				Rs.	Rs.
1.	Sri Sudhir Kr. Dutta	Clerk	19-7-72	180	330
2.	Sri Debdas Roy	Clerk	8-1-83	180	330
3.	Sri M.D. Chatterjee	Clerk	22-1-73	180	330
4.	Sri Tapan Bhandary	Munshi	29-1-73	180	330
5.	Sri Manoranjan Roy	Supervisor	29-1-73	140	281
6.	Sri Dilip Kr. Maji	Munshi	11-1-73	180	330
7.	Sri Monagal Manna	Supervisor	29-1-73	140	281
8.	Sri Magaram Chakraborty	Supervisor	29-1-73	140	281
9.	Sri Purna Banerjee	Casual	30-8-73	5 Per day	12.75 p.d.
10.	Sri Basudeb Mukherjee	Water Mazdoor	24-1-73	5 p.d.	10.20 p.d.
11.	Sri Dharamadas Chatterjee	Tube Checker	29-1-73	180	330
12.	Sri Ranjit Kr. Das	Casual	30-8-73	5 p.d.	12.75 p.d.
13.	Sri Bagalapada Mukherjee	Munshi	29-1-73	180	330
14.	Sri Krishna Prasad	Casual	29-1-73	5 p.d.	11.25 p.d.
15.	Sri Pranab Mukherjee	Clerk	2-11-70	180	354
16.	Sri Dharamadas Chatterjee	Clerk	8-1-73	180	330
17.	Sri Ashok Chakraborty	Clerk	1-1-73	180	330
18.	Sri Bangshi Badan Mahato	Clerk	5-10-72	180	330
19.	Sri Fatik Ganguli	Peon	25-11-72	140	281
20.	Sri Arun Mahato	Clerk	5-10-72	180	330
21.	Sri Kanailal Maji	Peon	1-1-73	140	274
22.	Sri Raghunath Nahaka	Supervisor	17-1-73	140	274
23.	Sri Lakhman Swin	Supervisor	17-1-73	140	274

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 20/81

PRESENT :

Shri J. N. SINGH, Presiding Officer.

PARTIES :

Employers in relation to the management of Salanpur Sub-Area of E. C. Ltd. P. O. Salanpur, District Burdwan;

AND

Their workmen.

APPEARANCES :

For the Employers.—Shri B. N. Lala, Advocate.

For the Workmen.—Shri J. D. Lal, Advocate.

INDUSTRY : Coal. STATE : West Bengal.

Dhanbad, the 29th April, 1983

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947) has referred the dispute to this Tribunal for adjudication under Order No. L-19012(26)/75-D. III. A/D. IV(B) dated the 6th May, 1981.

SCHEDULE

"Having regard to the nature of work performed by the workers mentioned in the Annexure, whether the demand of the workers for proper categorisation from the dates mentioned in Col. 4 of the Annexure, is justified ? If so, to what relief are the workmen concerned entitled ?"

(1)	(2)	(3)	(4)	(5)	(6)
24.	Sri Uday Swin	Supervisor	17-1-73	140	274
25.	Sri Swapan Banerjee	Clerk	21-12-72	180	330
26.	Sri Dilip Chatterjee	O.B.R.	10-6-72	180	330
				Sub Area Office	
27.	Sri Samar Chatterjee	O.B.R.	27-5-72	180	330
28.	Sri D.N. Mishra	Sotre Issue Clerk	3-8-62	180	330
29.	Sri Naresh Tewary	Gn. Mazdoor	29-1-73	5 p.d.	12.75 p.d.
30.	Sri Sunil/Ir. Tewary	Munshi	5-1-73	180	330
31.	Sri Tulshi Pandey	Munshi	2-2-73	180	330
32.	Sri K.B. Pathak	Gn. Mazdoor	29-1-73	5 p.d.	12.75 p.d.
33.	Sri H.C. Khosla	Fitter Maz.	7-2-73	5 p.d.	12.75 p.d.
34.	Sri Nandalal Gorai	Supervisor	5-1-73	5 p.d.	10.20 p.d.
35.	Sri Rabin Kr. Das	Mnnshi	4-1-73	180	330
36.	Sri A.K. Mishra	Clerk	25-8-72	180	330
37.	Sri Nanigopal Maji	Munshi	28-1-73	180	330
38.	Sri B. Jha	Pay Clerk	1-9-63	205	378
39.	Sri R.S.Pandey	Clerk	22-1-73	180	330
40.	Sri Purnanda Jha	Clerk	20-3-72	180	330
41.	Sri Malay Bose	Badli	23-4-72	5 p.d.	12.75 p.d.
42.	Sri Ananga Ghosh	Badli	23-4-72	5 p.d.	12.75 p.d.
43.	Sri Kanailal Chakraborty	Badli	31-5-73	180	330
44.	Sri Akhil Bhattacherjee	Gen. Mazdoor	21-9-72	5 p.d.	10.20 p.d.
45.	Sri Ranjit Mukherjee	Gen. Mazdoor	31-1-73	5 p.d.	10.20 p.d.
46.	Sri Sudhir Dutta	Water Spray Maz.	18-7-72	5 p.d.	10.20 p.d.
47.	Sri Sarabjit Giri	Gen. Mazdoor	12-1-73	5 p.d.	10.20 p.d.
48.	Sri Ramjiwan Singh	Asstt. Loading	1-4-72	180	330
49.	Sri Nayan Chatterjee	Gen. Maz.	30-1-73	5 p.d.	10.20 p.d.

2. On 28-4-1983 both the parties have filed a joint petition of compromise duly signed on their behalf and they pray that an award be passed in terms of the settlement.

3. I have gone through the settlement which is beneficial for the workmen.

4. In the circumstances the award is passed in terms of the settlement which shall form part of the award.

1. N. SINGH, Presiding Officer
[No. L-19012(26)/75-D.III(A)/D.IV(B)]

**SETTLEMENT
BEFORE THE HON'BLE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL**

No. 3. DHANBAD.

In the matter of Reference No. 20 of 1981

PARTIES :

Employers in relation to the Management of Salampur Sub-Area of Coal Mines Authority Ltd.

AND

Their workmen

The humble joint petition of both the Parties aforesaid most respectfully sheweth :

1. That the above matter is pending before the Hon'ble Tribunal and the matter has not yet been heard.

2. That both the Parties herein concerned, in the meantime, negotiated the dispute arising out of the instant order of reference and the Parties have settled the dispute on the following terms :

(a) That it is agreed that in view of the fact that there is no record of the period or days when the concerned workmen worked or acted in different jobs, the workmen agree that all and any claim whatsoever arising out of the instant order of reference will be fully and finally settled as respects all the workmen concerned on payment of consolidated sums as stated in the list in respect of each of the concerned workmen and the employers agree that the payment of the consolidated sums as stated in the list following below will be made to each concerned

workman as stated in respect of him within two months from the date this settlement is accepted by the Hon'ble Tribunal.

(b) That the Grades/Categories and the existing scales of pay as respects all the concerned workmen will remain unaffected by this settlement.

(c) That by this settlement the instant dispute is fully and finally resolved and the workmen shall have no claim whatsoever in respect of all and any matter arising out of the instant order of reference.

(d) That the list referred to in Para (a) above is annexed to this joint petition and the list shall form a part of this settlement.

3. That both in Parties pray that the Hon'ble Tribunal may be pleased to accept the settlement as fair and proper and may be further pleased to pass an Award in terms of this settlement.

And for this act of kindness, both the parties, as in duty bound, shall ever pray.

Dated this the day of April, 1983.

For and on behalf of
the workmen :

Sd/-

(Illegible) General Manager, Salampur Area, E.C. I td.

28-4-83

Vice-President, CMEC Sd/- (Illegible)

Dated : 28-4-83. Deputy Personnel Manager, Salampur

Sd/- (Illegible) Area, E.C. Ltd.

Dated 28-4-73. Dated . 28-4-83

New Delhi, the 18th May, 1983

S.O. 2473.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3 Dhanbad, in the industrial dispute between the employer in relation to the management of Gidi Washery, P.O. Gidi 'A', Distt. Hazaribagh M/s.

Sengupta & Sons and Shri Malgu Ram, Contractors of Gidi Washery, P.O. Gidi A, Distt. Hazaribagh and their workmen, which was received by the Central Government on 11-5-83.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 32/81

PARTIES

Employers in relation to the management of Gidi Washery, P.O. Gidi A, Dist. Hazaribagh M/s Sengupta & Sons and Shri Malgu Ram, Contractors of Gidi Washery, P.O. Gidi A, Dist. Hazaribagh.

AND

Their Workmen.

APPEARANCES :

For the Employers—Sri T. P. Chowdhury, Advocate.

For the Contractor—Sri B. Lal, Advocate.

For the Workmen—Sri D. Mukherjee, Advocate, on behalf of B.C.K. Union.

INDUSTRY : Coal Washery. STATE : Bihar.

Dated, the 4th May, 1983

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/s. 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. I-20012 (63)/81-D.III.A/D.IV.B, dated the 19th June, 1981.

SCHEDULE

"Whether the demand of the workmen that 245 workmen (as per the Annexure-I) employed by M/s. Sengupta & Sons and 31 workmen (as per Annexure-II) for payment of wages as per the rates of N.C.W.A. II from 1-6-79 to 4-1-80 is justified? If not, that what relief are the workmen concerned entitled?"

2. The case of the workmen is that they have been working in Gidi Washery of Central Coalfields Ltd., (C.C.L.) since long and they are engaged in the job of Spillage cleaning work and cleaning of slurry settling ponds and these jobs are permanent and perennial in nature. It is also stated that they have been working under the direct control and supervision of the management of C.C. Ltd., and the above job is absolutely necessary for the running of the washery and they are directly connected with the running and production of the washery.

3. They claim to be members of the Bihar Colliery Kamgar Union which is the sponsoring union. It is, however, alleged that the management of Gidi Washery are very much biased and prejudiced against the members of this union and though they are working directly under the control of the management but their wages are being disbursed through intermediaries. It is stated that the management has implemented the recommendation of National Coal Wage Agreements I & II (N.C.W.A.) and hence the workmen are entitled to receive wages and other benefits as per above Wage Board recommendation.

4. It is further alleged that the intermediaries viz. M/s Sengupta & Sons and Manglu Ram have also implemented the recommendation of N.C.W.A. I & II but the concerned workmen are not being paid wages as per recommendation of N.C.W.A.-II. In spite of representation made by the workmen no payment was made under N.C.W.A.-II and hence an industrial dispute was raised which ended in failure and thereafter the present Reference has been made. The demand of the concerned workmen is that they are entitled for payment of wages as per recommendation of N.C.W.A.-II from 1-6-1979 to 4-1-1980 as admittedly after 4-1-1980 they are being paid wages under N.C.W.A.-II. It may however be stated that the N.C.W.A.-II though it was signed on 11-8-1979 but it came into force from 1-1-79 and prior to

1-1-79 N.C.W.A.-I was in force and these workmen were being paid accordingly.

5. The management viz. M/s. Central Coalfields Ltd., have filed their written statement through the General Manager of Argada Area of C.C. Ltd. The contractors M/s. Sengupta & Sons as also Manglu Ram have also filed their separate written statements and all of them have contested the claim of the concerned workmen. It may also be stated that another union viz. United Coal Workers Union is also a party to this Reference and they also filed their written statement supporting the case of the concerned workmen but they did not examine any witness on their behalf.

6. The defence of the Central Coalfields Ltd., is that the management of Gidi Washery is not in the picture at all and further it is not stated in the term of reference as to who are the workers under Manglu Ram and Sons. According to them there could be no dispute between the management of Gidi Washery and the concerned workmen. It is also their defence that Gidi Washery is a factory within the meaning of the Factories Act and is also registered under the said Act and it is wholly under the sphere of the State Government and further washery is not a mine and hence any Reference by the Central Govt. is incompetent. The main defence, however, is that Spillage cleaning work and cleaning of slurry settling ponds is done by this washery as also other washeries through contractors for which tenders are floated on annual basis. During the period under reference i.e. from 1-6-79 to 4-1-80 M/s. H.P. Sengupta was allotted the spillage cleaning work in section 03 while slurry settling pond work was allotted to M/s. Sengupta & Sons under agreement dated 24-8-79. M/s. Sengupta & Sons is a partnership firm consisting of two partners including M/s. H.P. Sengupta. It is however alleged that Manglu Ram who is one of the party to the Reference was never allotted any work during that period but one M/s. Babul Gupta was given Spillage cleaning work for the relevant period. It is further stated that in the first Annexure name of 245 workmen are mentioned and they are workers under M/s. Sengupta & Sons, but there is another list of 31 persons against whom employer's name is not mentioned but probably they claim to be employee under Manglu Ram and it is stated that as no contract was given to Manglu Ram during the relevant period any claim of these 31 workmen is untenable. It is submitted that there is no relationship of employer and employee between the management of Gidi washery and the concerned workmen, hence the concerned workmen is not entitled to any relief against M/s. Central Coalfields Ltd., and further the management of C.C. Ltd., is only principle employer and they are liable for making the payment of wages under N.C.W.A.-II if the contractors are not paying the same and a dispute of this nature cannot be subject-matter of Reference U/S 10 of the Industrial Disputes Act and the proper remedy for the workmen is under the Contract Labour (Regulation and Abolition) Act, 1970.

7. On the above allegations it is prayed that the Reference be decided in favour of the management.

8. The defence of M/s. Sengupta & Sons is that Gidi Washery is a factory and not a mine and hence the present Reference is not maintainable. It is also stated that M/s. Sengupta & Sons is a contractor and not a party to the N.C.W.A.-II and is not bound by the same. The main defence, however, is that M/s. Sengupta & Sons has no paying capacity to make payment to the workmen concerned as per rate prescribed under N.C.W.A.-II as when the agreement was made N.C.W.A.-I was in force and they are liable to pay wages as per N.C.W.A.-I only and hence the Tribunal has got no jurisdiction to direct the contractor to make payment under N.C.W.A.-II.

9. Manglu Ram, however, has stated that he had no contract with M/s. Central Coalfields Ltd., during the relevant period and hence he is not liable to make any payment.

10. The point for consideration is as to whether the demand of the 245 workmen as per Annexure I employed by M/s. Sengupta & Sons and 31 workmen employed by Manglu Ram for payment of wages as per the rate of N.C.W.A.-II from 1-6-79 to 4-1-80 is justified. If not, to what relief the concerned workmen are entitled.

11. It may be stated at this very stage that though in the term of Reference it is not clearly mentioned as to under

whom the 31 workmen whose names are mentioned in the separate list have worked but it is virtually admitted during the course of hearing that these 31 workmen claimed to have worked under Manglu Ram. It is however admitted that the first 245 workmen worked under M/s. Sengupta & Sons.

12. Before discussing the case on merits it will be proper to dispose of some preliminary issues raised by the parties. The main legal issue raised by the management and the contractors is that Gidi Washery is a factory under the Factories Act and hence it is not under the sphere of the Central Govt. and further the washery is not a mine and hence the Reference is untenable. This contention, however, is not tenable at all. It cannot be disputed that every coal washery is a factory and it has got to be registered under the Factories Act but that will not mean that it is not under the sphere of the Central Govt. Under the Industrial Disputes Act the word 'mine' has been defined and Section 2(1b) says 'mine' means a mine as defined in Clause (i) of Sub-section (i) of Section 2 of the Mines Act, 1952. Sub-Section (1) of Section 2 of the Mines Act defines the 'mine' as follows:

'mine means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes—

(x) unless exempted by the Central Government by notification in the official Gazette, any premises or part thereof, in or adjacent and belonging to a mine, on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on."

13. MW-3 is Sri Narendra Pd. Singh Personnel Manager in Argada Area of M/s Central Coalfields Ltd. The Gidi Washery in question is within this area of the C.C. Ltd. It is admitted by him that the Gidi Washery belongs to Central Coalfields Ltd., and slurry removal and spillage clearing used to be done through contractors for which agreements used to be entered into. In para 15 of his cross-examination it is admitted by him that the Gidi Washery was originally established for washing non-coking coal for supplying them to the Railways and Washery is in the middle of the Gidi Colliery within Argada Area. Thus it is admitted that the washery in question is situated in the premises of the mine where the process ancillary to the getting, dressing or preparation of coke is done for sale. This admittedly a production work and therefore it cannot be held that the washery in question will not come under the definition of the word 'mine' and if it is a mine it comes under the jurisdiction of the Central Govt. and the Central Govt. has got the jurisdiction to refer the present dispute. Then there are certain evidence on the record which is relevant for the purpose of deciding the case. NW-1 is Haripada Sengupta one of the partner of M/s. Sengupta & Sons. It is admitted by him that during the relevant period the spillage and cleaning work was done by him as a contractor of C.C. Ltd., through the concerned workmen and there was an agreement for this work between his firm M/s. Sengupta and Sons and C.C. Ltd. It is also admitted by him that till 1-6-79 he used to make payment these labourers on the basis of N.C.W.A-I. In para 5 he has admitted that his firm started paying the rate of N.C.W.A-II from 16-12-79 though by that time the rate had not been increased by the management. In para 11 he has stated that he was ready to pay the rate of N.C.W.A-II if the rate is enhanced by the management. In para 13 he has admitted that the works in question are of permanent nature though the contract is not permanent. It is admitted by all the parties that the contractors were changed but the workers remained the same. He has also admitted that the Gidi Washery and Gidi Colliery are adjacent to one another. His main evidence however is that he was not a member of N.C.W.A-II and as he has no capacity to make payment at the rate as prescribed by N.C.W.A-II he is not liable to make payment to the concerned workmen.

14. The N.C.W.A-II was signed on 11-8-1979 though it came into force from 1-1-1979. This agreement would show that it was signed by all the important unions and copy of this agreement was sent to different authorities under the Industrial Disputes (Central) Rules. It is not denied that the entire coal industry including M/s. C.C. Ltd. has implemented the provisions of N.C.W.A-II and it was the duty of the

management of C.C. Ltd. to see that payments were made to the workers as per N.C.W.A-II. Admittedly the C.C. Ltd. is the principle contractor and from the evidence on record it is clear that the job in question was performed by these workmen under different contractors and the C.C. Ltd. was only the principle employer. The workmen were directly under the control of the contractors and payments admittedly were made to them through the contractors. It was not at all necessary for the Govt. to enter into agreement with the contractors and small parties also regarding payment of wages under N.C.W.A-II. The contractors were bound to pay to the workmen as per N.C.W.A-II and there is no reason as to why the workmen will be deprived of their legitimate right to receive their wages as per N.C.W.A-II. It cannot be denied by any imagination that the concerned workmen are not entitled to their legitimate wages. The question, however, is as to who is to pay them the wages for the relevant period as per rate prescribed under N.C.W.A-II.

15. For this we will have to look into the agreement arrived at between the management of C.C. Ltd., and the contractor regarding payment to these workmen.

16. I will first deal with the case of 245 workmen who were working during the relevant period under M/s. Sengupta & Sons. Ex. M-1 and M-5 is the agreement for the job in question entered into between M/s. Sengupta and Sons and the C.C. Ltd. This is the agreement which governs the relevant period. This agreement shows that though it was signed on 24-8-79 but the period of agreement was for one year commencing from 1-6-79. Para 9 of the agreement reads as follows :

"The contractors shall have to pay the labour engaged by them as per N.C.W.A. or any other award they may come into force from time to time and in this matter the administration's decision shall be final and binding."

The above is the key note of the agreement and the payment to the workmen concerned is definitely governed by this term. The said term clearly indicate that the contractors has to pay as per N.C.W.A.

17. It was, however, contended on behalf of M/s. Sengupta & Sons that this agreement was arrived at when N.C.W.A-II had not come into force and the agreement was arrived at keeping in view the payment to be made as per N.C.W.A-I. According to him as the wages were increased sufficiently by N.C.W.A-II the contractor is not bound to pay the same unless the excess amount is paid by the management of C.C. Ltd. The said agreement however clearly indicate that the contractor was to make payment as per N.C.W.A. It does not say whether it will be N.C.W.A.I or II. In this regard the evidence of MW-3 Personnel Manager of the management is also relevant. He has stated in his cross examination by the workmen that the management has to see whether the contractor pay to the labourers as per agreement or not. He has further stated that while entering into the agreement the management give margin in the amount considering the fact that the contractor can pay even if there is increase in wages and in para 9 he has stated that by agreement the work to be done and the amount to be paid the contractors are fixed and while fixing the amount the management consider not only the rate of wages which is to be paid to the workers but also the higher rate which may be paid to them in case of different N.C.W.As during the contract period. He has further stated that the management give some relaxation in the amount to the contractors anticipating the wage increase to be made by the Govt but the percentage of relaxation is not fixed.

18. It is no doubt true that the N.C.W.A. was signed on 11-8-79 which was only after a few months of the signing of the agreement with the contractor but much before that a Committee for fixing the wages had been constituted by the Govt. and the matter was pending before the Committee. It cannot be said that the management or the contractor was not aware that a new agreement regarding fixation of wages was going to be made very soon and that the same was to come into effect from 1-1-79 because the terms of N.C.W.A. had already expired on 1-12-78. The management as also the contractor had in their mind the new wage structure which was to come into force by the N.C.W.A-II from 1-1-79 and while entering into the agreement with the management the contractors must have in their mind the said aspect of the matter and therefore it cannot be said that the contractors keeping

their eyes closed entered into such an agreement. Further admittedly from December, 79 the management is paying the wages as per N.C.W.A-II even though there has been no increase in the rate for payment during that period by the management. The question of loss or paying capacity does not arise at all in this particular case. As per term of the agreement the contractor has to make payment as per N.C.W.A. and therefore there is no reason as to why the concerned 245 workmen of M/s Sengupta & Sons will not get their wages for the relevant period as per rate prescribed under N.C.W.A-II.

19. Then remains the case of 31 workmen who were working under Manglu Ram as per terms of Reference. Manglu Ram has examined himself as MW-2 and he has stated that from 1-6-79 to 31-5-80 he had no contract of any kind in Gidi Washery and during that period one Babulal Gupta who is his son was the contractor and that the business of Babulal Gupta is separate from him. Babulal Gupta is not a party to this Reference. All the agreements of the relevant period entered into between the management and the contractors have been filed in this case and they are Exts. M-2, M-3 & M-4. Maglu Ram does not come in the picture at all during the relevant period. The business of Maglu Ram was quite separate from Babulal and hence Maglu Ram is

not liable to pay anything to these 31 workmen who worked under Babulal. It is, however, in evidence that majority of these 31 workmen have been departmentalised by the management but that has got no relevance to the present reference. One of the concerned workmen has examined himself as WW-1 and has come to support his case.

20. Considering the entire evidence on record and facts and circumstances of the case as also the term of Ext. M-5, I hold that the demand of 245 workmen as per Annexure 'I' of the Reference (separately enclosed) for payment of wages as per rates of N.C.W.A-II from 1-6-79 to 4-1-80 is justified and they are entitled to get the same from the contractor M/s. Sengupta & Sons. The said contractor must make them payment accordingly. The remaining 31 workmen as per Annexure II (separately enclosed) are not entitled to get any claim from Maglu Ram who had no contract during the relevant period. The concerned workmen as per terms of agreement entered into between the contractor and the management of Central Coalfields Ltd., are not entitled to recover any amount from the management of Central Coalfields Ltd.

21. The award is given accordingly.

J. N. SINGH, Presiding Officer.
[No. I-20012(63)/81-D.III, A/DIV(B)]

Annexure-I

Sl. No.	Name	Husband/Father's name	Work	Period
1.	Raghunath	Latoo Mahato	Plant Cleaning	
2.	Dirat Chand	Ramlal Yadav	"	
3.	Dwarika	Bhukla Mahato	"	
4.	Kamil	Jalakin Oran		
5.	Devki	Ramlal Dedia		
6.	Iswar	Khagalli		
7.	Jatru	Sabna Munda		
8.	Sanichar	Jahlo Dedia		
9.	Robert	Albis		
10.	Dinanath	Paras Yadav		
11.	Mahabir No. 1	Ahis Guan		
12.	Khalil	Md. Deli		
13.	Bhudhan	Matila Bedia		
14.	Kakramis	Dend Tope		
15.	Dhaneshwar	Tejan Dedia		
16.	Raghunath No. 2	Gopa Mahato		
17.	Jagdish	Jagna Bedia		
18.	Ramesh	Nirmal Rajwar		
19.	Usman	Mothan Ahmed		
20.	Jittu	Ledu Dedia		
21.	Mahabir No. 2	Jaldhar Lotar		
22.	Bhola	Tutia Oran		
23.	Behari	Bandhan Oran		
24.	Binod	Kunwa Oran		
25.	Arjun	Kanham Rajwar		
26.	Ram	Budhan Oran		
27.	Pramod	Puran Chand		
28.	Jogendra	Chetu Bedia		
29.	Krishna Deo	Dhan Garitia		
30.	Mathura	Kundan Mahato		
31.	Bhuneshwar	Malo Sao		
32.	Jakir	Jamisdhin Mia		
33.	Ramnath	Chhokhla Munda		
34.	Hardeyal	Ganesh Bharu		
35.	Suja	Sukhdeo Ganjhu		

Sl. No.	Name	Husband/Father's Name	Work	Period
36.	Kuldeep	Patnus Bera		
37.	Parmeshwar	Puran Lohar		
38.	Manohar	Sahirai Topo		
39.	Ramjee	Mohon Oran		
40.	Ramlakhan	Jattu Ram		
41.	Deanraj	Ramu Mahato		
42.	Sahaban	Jabruddin Mia		
43.	Charku	Meghu Mahato		
44.	Phusna	Bhanu Munda		
45.	Ramu	Jagdish Bhuria		
46.	Laldhari	Mohra Munda		
47.	Sahdeo	Hari Bhuria		
48.	Narayan Das	Kalipada Das		
49.	Ambika	Jani Yadav		
50.	Birender	Madho Munda		
51.	Sahdeo No. 2	Turia Lohar		
52.	Muneshwar	Bathiram		
53.	Shankar	Narwa Oran		
54.	Bijay	Nandu Rajwar		
55.	Gurdayal Singh	Sardar Tej Singh		
56.	Ramanuj Singh	Souri Shankar Singh		
57.	Atibas	Md. Muslim		
58.	Jhamman	Bikhari Munda		
59.	Puran	Mahato		
60.	Jabbar	Md. Sadiq	Plant Cleaning	
61.	Gaji Khan	Md. Sazid Khan		
62.	Binod	Yogeshwar Bhuria		
63.	Pheto	Mihit Munda	Pond Cleaning	
64.	Sirwa	Mirga Mahli		
65.	Ratni	Kiran Bedja		
66.	Jailo	Bandhan Dhobi		
67.	Jitni	Jagna Bedia		
68.	Buttan	Sibcharan		
69.	Saro	Ramdhana Malli		
70.	Sanicharia	Jodhan Malli		
71.	Bimla	Kamil Oran		
72.	Rupa	Ishwar Mahato		
73.	Churu Muni	Narayan Mahato		
74.	Bagbilaso	Jamnath Bedia		
75.	Agni	Jiwan Oran		
76.	Daya Muni	N. Tiggan		
77.	Jagmanti	Sarnal Oran		
78.	Tito	Suki Oran		
79.	Phudwa	Mangla Bedia		
80.	Nagi	Poda Oran		
81.	Rupni	Bisu Oran		
82.	Samaji	Parmeshwar Lohar		
83.	Lalwa	Chando Munda		
84.	Subaso	Mahesh Munda		
85.	Purbi	Rushwa Munda		
86.	Dudhni	Kopla Bidish		
87.	Sugia	Biswa Mistry		
88.	Lakhpatria	Raifel Bedia		
89.	Parbatia	Ledo Mahato		

Sl. No.	Name	Husband/Father's Name	Work	Period
90.	Lilwa	Sanicharwa Bidia		
91.	Runwa	Birju Gajhu		
92.	Etwaria	Laldhari Munda		
93.	Tarwa	Mahabir Bhuia		
94.	Sonwa	Ishwar Ganjhu		
95.	Sabitri	Laldhari Rom		
96.	Phulmania	Khedu Ganjhu		
97.	Sumitra	Puran Oran		
98.	Jirwa No. 2	Shukla Bedia		
99.	Maino	Rama Oran		
100.	Malo	Bangshi Munda		
101.	Phulkumari	Janki Ganjhu		
102.	Dukhni	Jagdish Bhuia		
103.	Tilki	Hiralal Bedia		
104.	Koshila	Swami Ganjhu		
105.	Malti	Anjir Munda		
106.	Karmi	Bhaneswar Ganjhu		
107.	Koshila No. 2	Bhola Munda		
108.	Mani	Sanicharwa Oran		
109.	Dhaneshwari	Sibdayal Mistry		
110.	Bigo	Mahabir Munda		
111.	Kumari	Nangu Munda		
112.	Sanjho	Lalite Ganjhu		
113.	Sarsatic	Bitia Ganjhu		
114.	Kari	Guneshwar Ganjhu		
115.	Kadmi	Sibmal Bedia		
116.	Lagni	Lalku Ganjhu	Pond Cleaning	
117.	Bali	Mohan Mahli		
118.	Bodia	Ramjee Oran		
119.	Sohagi	Khedu Ganjhu		
120.	Birsti	Phulchand Badia		
121.	Dulari	Premchand Tiga		
122.	Siban	Samhra Ganjhu		
123.	Pupen	Bippawa Oran		
124.	Champa	Dhirju Mahli		
125.	Parbati No. 2	Ratlal Ganjhu		
126.	Gunjari	Janki Ganjhu		
127.	Atmi	Sabna Lohar		
128.	Dhanmatia	Rameshwar Ganjhu		
129.	Peyaso	Dinu Bedia		
130.	Sugia No. 2	Mahabir Lohar		
131.	Phulmania No. 2	Ledi Mahil		
132.	Santi No. 1	Somra Mahto		
133.	Santi No. 2	Karinath Bedia		
134.	Hiramani	Kripti Oran		
		Tairas Bakla		
135.	Talc	Budhan Oran		
136.	Sakuntala	Debanand Ganjhu		
137.	Sitli	Parut Oran		
138.	Jabni	Sibu Bedia		
139.	Surpatia No. 1	Budhdayal Bhagat		
140.	Parmila	Bandhan Karmali		
141.	Phulman	Chatua Bedia		
142.	Surpatia No. 2	Batir		

Sl. No.	Name	Husband/Father's Name	Work	Period
1	2	3	4	5
143.	Ram Muni	Shibu Munda		
144.	Bharmi	Mato Ganjhi		
145.	Peyyar Muni	Hira Mahli		
146.	Alka	Dhaneshwar Mahli		
147.	Panwa No. 2	Bihari Mahli		
148.	Surpatia No. 3	Khutia Ganjhu		
149.	Dasmi	Bigwa Ganjhu		
150.	Munia No. 2	Rohan Mistry		
151.	Sonia	Shankar Oran		
152.	Tetki	Bate Dhaneshwar Singh		
153.	Sukhmani	Parsa Bedia		
154.	Munia No. 1	Tarunilal Kalindi		
155.	Lalo	Nandlal Bedia		
156.	Buttan	Pagwa Oran		
157.	Balbedi	Chuman Oran		
158.	Bogu	Bandhan Yadav		
159.	Sushila	Maria Oran		
160.	Bandhani	Etwa Oran		
161.	Lalit	Ram Oran		
162.	Sundri	Kinu Bedia		
163.	Jagni	Chamra Oran		
164.	Butni	Madhu Munda		
165.	Parmila	Jitpalan Munda		
166.	Parbatia	Mangra Munda		
167.	Kumari No. 1	Sura Oran		
168.	Kumari No. 2	Prakrian Oran		
169.	Iron	Puran Oran		
170.	Sanjhawa	Kamanti Oran		
171.	Salmi	Budhwa Majhi		
172.	Santi	Debnath Satwani		
173.	Mantori	Etwa Oran		
174.	Durgi	Dhando Bedia	Pond Cleaning	
175.	Kalapati	Harinarayan Bedia		
176.	Surti	Sahdeb Bedia		
177.	Reshma	Michel Bakla		
178.	Urmila	James Kujur		
179.	Santi No. 3	Altos Karkadha		
180.	Saroj	Arnesh Kujur		
181.	Nirmala	Mendwa Bedia		
182.	Sitamani	Ambika Yadav		
183.	Parbatia No. 3	Biswakar Mali		
184.	Jatri	Sanpat Karmali		
185.	Balwa	Jitu Karbali		
186.	Panwa	Pitter Kheria		
187.	Rewa	Saresh Munda		
188.	Gundar	Disai Mahato		
189.	Pulato	Ruplal		
190.	Dhujia	Aklu Ganjhu		
191.	Dasami	Bhuneshwar Bedia		
192.	Charki	Miran Mahli		
193.	Sumaso	Sukhnath Oran		
194.	Manti	Jhaman Bedia		
195.	Panwa No. 2	Daru Oran		

1 2

3

a

5

196. Dabanti	Obet Niga	
197. Mejren	Dashrato Mistry	
198. Dular	Jiwan Oran	
199. Meri		
200. Ratni	Madho Munda	
201. Basmatia	Dhaneshwar	
202. Budhui	Jairam Bedia	
203. Phule	Jhandu Ganjhhu	
204. Uma	Rameshwar Mahli	
205. Dhansatia	Dhandshwar Mahli	
206. Matia	Harakhnath Mahli	
207. Dina	Antonis	
208. Mongri	Agnu Oran	
209. Parden	Binod Oran	
210. Pusni	Siblal Karmali	
211. Jamuna	Shankar Oran	
212. Sarojni	Ramrup	
213. Mukti	Baldeb Oran	
214. Rajo	Mahendra Munda	
215. Sona Moni		
216. Sushil No. 2	Bimal Bera	
217. Ebi	Robert Oran	
218. Manju No. 1	Jagdish Bedia	
219. Badhni No. 2	Ramnath Munda	
220. Bilaso	Jat Ganjhhu	
221. Asho	Suresh Ganjhhu	
222. Manju No. 2	Jago Munda	
223. Jhalwa	Ramlal Bedia	
224. Sanicharia No. 2	Sukhram	
225. Bariso	Ruplal Ganjhhu	
226. Budhni No. 3	Etaw Munda	
227. Sarsatia No. 2	Birsa Munda	
228. Khudni	Binod Bhulia	
229. Basmatia No. 2	Modhu Munda	
230. Lachmania	Hiralal Mistry	
231. Phalmania	Phushna Ganjhhu	Pond Cleaning
232. Kari No. 2	Jogeshwar Munda	
233. Sumitra No. 2	Late Gobardhan Ganjhhu	
234. Idu	Tishumia	Munshi
235. Dhaneshwar Mistry	Lakhan Mistry	..
236. Budhan	Jagu Munda	..
237. Durcswami	Chencan	Supervisor
238. Anirudh Pandey	Sibnarayan Pandey	Munshi
239. Sujan		
240. Gopichand		
241. Rameshwar Mahato		
242. Sibprasad Jaiwal		
243. Gurudayal		
244. Dhaneshwar No. 2		
245. Binod Singh		

ANNEXURE-II

Sl. No.	Name	Husband/Father's name	work	Period
1.	Rambrikh Munda	Bigu Munda	Plant Cleaning	1-1-74
2.	Phajim Ansari	Samsuddin Ansari	"	1-1-74
3.	Subedar Singh	Kailash Singh	"	2-2-74
4.	Anirudh Singh	Debhinandan Singh	"	2-2-74
5.	Surendra Kr. Singh	Daroga Singh	"	3-3-74
6.	Puria	Budhu Mistry (Husband)	"	1-1-74
7.	Biraso	Baidnath Mistry (Husband)	"	1-1-74
8.	Md. Ijhar	Md. Hanif	"	4-4-74
9.	Bilkan Tomo	Benjamin Tomo	"	4-4-74
10.	Sarju Prasad	Bundu Prasad	"	4-4-75
11.	Kamla Paswan	Triloki Paswan	"	4-4-74
12.	Baliram Paswan	Triloki Paswan	"	4-5-75
13.	Mukesh Agarwal	Dasrath Agarwal	"	5-6-75
14.	Misri Ram	Srikant Ram	"	5-6-75
15.	Hamru Tanti	Sadanand Tanti	"	1-1-74
16.	Nagru Rajmar	Ramcharan Rajmar	"	6-5-75
17.	Bhantu Minj	Inukh Minj	"	6-5-75
18.	Bildeb Munda	Sanichar Munda	"	7-7-75
19.	Laldeb Bedia	Pradhan Bedia	"	1-1-74
20.	Rajeswar Singh	Tribeni Singh	"	5-5-75
21.	Nirdhari Thakur	Raghunath Thakur	"	5-5-75
22.	Budhan Dusadh	Sukhari Dusadh	"	1-1-74
23.	Kailash Singh	Chandrama Singh	"	4-5-75
24.	Harinarayan Bedia	Jagu Bedia	"	5-5-76
25.	Rohan Mistry	Lodhar Mistry	"	1-5-74
26.	Dhanpal Yadav	Nithuri Yadav	"	5-5-75
27.	Ramkishor Rajbhar	Bhurahuram Rajbhar	"	4-6-74
28.	Laldhan Rajbhar	Parsuttam Rajbhar	"	4-4-74
29.	Alimuddin Ansari	Tiju Ansari	"	1-5-74
30.	Huseni Ansari	Jahur Ansari	"	5-5-75
31.	Lalmohan Bedia	Moti Bedia	"	5-5-74

New Delhi, the 28th May, 1983

Their workmen.

APPEARANCES :

For the Employers—Shri B. N. Lala, Advocate.

For the Workmen—Shri B. Lal, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 6th May, 1983

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/s. 10(1)(d) of the Industrial Disputes Act, 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-19012(30)/81-D.IV(B), dated the 15th October, 1981.

SCHEDULE

"Whether the management of Bhamuria Unit of Parbelia Colliery under Eastern Coalfields Ltd., P.O. Neutoria, Distt. Purulia was justified in superannuating Sri Era Rajbhar, Jaleswar Rout Jagia Mahatin much earlier than their attaining superannuating age? If not, to what relief the workmen are entitled?"

2. The case of the workmen is that prior to nationalisation Parbelia Colliery belonged to M/s Bengal Coal Ltd., and that

PARTIES :

Employers in relation to the management of Parbelia Colliery under Eastern Coalfields Ltd., P.O. Neutoria, Distt. Purulia.

AND

This colliery has a unit own known as Bhawan unit in which the concerned workmen were employed since before nationalisation. It is, however alleged that the services of the concerned workmen were terminated wrongfully and prematurely before they attained the age of 60 years and thus they were superannuated before attaining the age of superannuation. It is alleged that the present management apparently maintains two sets of records, one prepared at the time the workers joined their services in which the date of birth etc. are noted but thereafter another set of records was illegally prepared by the management after nationalisation and as all the concerned workmen were illiterate their thumb impression were taken on the said record superseding the true state of affairs to them. It is denied that the concerned workmen ever put their thumb impression knowingly on the said document viz. Form B register after actually knowing about the age recorded in them. It is further stated that all the 3 concerned workmen had been referred to Kalla Hospital for their treatment in which their age was correctly recorded and in proforma sent to Kalla Hospital giving the details of the concerned workmen mentioned the correct date of birth of the concerned workmen according to which they had not attained the age of 60 years on the date of superannuation. According to them the age recorded in the aforesaid proforma is correct and hence the action of the management in superannuating the concerned workmen is illegal and void.

3. It is their further case that the Coal Miners' Union, Purulia who has sponsored this dispute is a registered union and the concerned workmen are members of the said union. The said union sits in bipartite discussion in the matter concerning the workmen and also enter into settlement with the management and is affiliated to Central Trade Union Organisation viz. U.T.U.C. and properly functions in this Area. The demand of the workmen is that they should be reinstated with full back wages.

4. The management has contested the claim of the workmen and it is alleged that the present order of Reference has arisen out of the representation made on 27-4-81 to the A.L.C.(C), Asansol by the Coal Miners Union Purulia and no dispute was ever raised before the management. It is further stated that this union has got no locus-standi to raise any industrial dispute relating to any workmen of the colliery which employ 2666 workmen and that this union does not have any membership from among the workmen of the colliery so as to vest it with any competency to raise an industrial dispute relating to the workmen of the colliery and therefore the union, representation to the A.L.C. does not amount to raising an industrial dispute at all.

5. On merits it is alleged that Lera Rajbhar, Explosive Carrier and Jaleswar Rout, Pump Khalasi were the workmen of Parbelia Colliery and both of them reached the age of superannuation on 1-7-80. There is a workman of the name Smt. Jagia Mahatin at Parbelia colliery but she has not reached the age of superannuation so far. However a workman of the name Smt. B. Jagia Mahatin worked there and she also attained the age of superannuation on 1-7-80 and it is presented that Smt. B. Mahatin is one of the concerned workmen in the present reference. It is further stated that Lera Rajbhar and Smt. Jagia Mahatin were served with notices dated 27-1-80 informing them that their date of superannuation was 1-7-80 and thereafter they were retired from the said date. By mistake Jaleswar Rout could not be served with such notice but after the mistake was detected a notice was sent to him on 22-9-80 and he was retired with effect from 1-1-81. It is submitted that in Form B register the year of birth of these workmen are recorded as 1920 and the management correctly determined their age as 60 years on 1-7-80 in terms of the Circular of Eastern Coalfields Ltd. The said circular says that in cases where the date and month is not noted in the service records the 1st July will be deemed to be the date of age when they will be presumed to have attained the age of 60 years and they will be retired from the said date. It is submitted that as the concerned workmen had attained the age of 60 years as per records of the management hence they were retired legally. In the rejoinder the management has stated that the age mentioned in the proforma said to have been sent to the Superintendent, Central Hospital were not filled up by the office and that no reliance can be placed on such entries and the date of birth as recorded on these proformae are not based on the entries made in the Form B register. The management has also denied the other allegations of the workmen to the effect that two set of records are maintained by them.

6. The point for consideration is as to whether the management was justified in superannuating the concerned workmen much earlier than from the attaining the age, if not, to what extent the workmen are entitled.

7. The preliminary issue which has been raised by the management is that the sponsoring union has no locus-standi to raise an industrial dispute as the said union do not function in this area and none of the concerned workmen are its members nor any resolution was passed by the Executive Committee of the union to take up the present case. Inspite of specific allegation made on behalf of the management not a single chit or paper has been filed on behalf of the union to show that the said union functions in this area or that a valid resolution was passed by the Executive Committee of the union to take up the present case or that any of the workmen is member of this union or any of them authorised this union to take up their case. No explanation has been given as to why not a single chit or paper has been filed in this regard by the union though onus lay on the union to controvert the allegations made by the management. The union has examined only one witness in this case viz. Sri C. P. Yadav a teacher who claims to be Asstt. Secretary of Coal Miners Union of Parbelia Branch. He has stated that the union has got several members in Parbelia colliery and there has been correspondence and discussion between the management and his union regarding labour problems. The membership register has not been filed nor any correspondence to the effect as alleged has been brought on the record. It is admitted by the Asstt. Secretary of the union that he has not filed any paper to show that the employees of Parbelia colliery are members of his union and the membership register or subscription book or resolution book has not been filed.

8. Thus it is clear that the sponsoring union has got no locus-standi to raise the present dispute and on that score alone the present Reference is not sustainable.

9. Then let us come on the merits of the case. The management has filed Ext. M-2 series which are entries in Form B register and are Sl. Nos. 274, 476 and 1696 in the said register. The entries in these Sl. Nos. would show that the age recorded of the concerned workmen is the year 1920. No date or month has been mentioned. Ext. M-3 is a circular by which the age of retirement was fixed at 60 years. Ext. M-5 is a letter dated 6-10-76 issued by the Eastern Coalfields Ltd., giving direction regarding superannuation. It provided that in case of a workman whose year of birth is known but not the exact date, the 1st of July should be treated as the date of birth for the purpose of determining the date of which the workman should be held to have attained the age of superannuation. As per this procedure the concerned workmen were retired from 1-7-80. In case of Jaleswar Rout however retired from notice could not be sent to him hence letter Ext. M-1 dated 22-9-80 was sent to him informing him that he was to retire with effect from 1-1-81. Besides the above documents the management has also filed Ext. M-4 Identity Card of Smt. B. Jagia Mahatin in which also year of birth is shown as 1920. It cannot be denied that the Form B register is a statutory register in which the details about every workman including his date and year of birth is recorded. MW-2 is Shri S. P. Singh who was Manager and was connected with this colliery since 1971. He has stated that the particulars of all the workmen are maintained in Form B register and the age of the concerned workmen is recorded as 1920 and they were rightly retired after attaining the age of superannuation. In the written statement filed by the workmen it is stated that two sets of records are maintained by the management but this has been emphatically denied by the management. It is also alleged that the concerned workmen put thumb impression on the relevant Form B register without knowing its contents as they are illiterate. Thus it will appear that in the written statement it is nowhere stated that the age was entered in the relevant Form B register subsequently. WW-1 in his evidence has come with a different case. He has stated that he had the occasion to look into the Form B register of Parbelia colliery and in this register which has been filed in this Court the age of these workmen were not recorded previously and they were filled up subsequently. This is clearly an after thought.

10. The documents on which reliance is placed on behalf of the workmen are Exts. W-1 to W-3. It is in evidence that a workman who is a member of C.M.P.F. in case of his serious illness is referred to the Central Hospital at Kalla which belongs to Coal Mines Labour Welfare Organisation along with a proforma duly signed by the Manager of the concerned colliery and that a workman who is not a member

of C.M.P.F. is not entitled to be treated in the said Central Hospital. The workmen claim that they were sent to the said hospital for their treatment along with the said proforma Ext. W-1 to W-3 and in these three proformas their age is recorded and they rely on the age recorded on these three documents Ext. W-1 is dated 10-6-80 and it is in respect of Lera Rajbhar. This is just a month prior to his retirement. In this document the age recorded is 52 years. The year of birth is not recorded. From a very perusal of this document it will appear that there has been over-writing in the entry made in the column of age and previously it was something else than 52. It appears that 54 has been made 52. The serial number of Form B register is mentioned in it and it is exactly the same serial number as in Ext. M-2. But according to Ext. M-2 the year of birth is 1920. Further in ordinary course it should have been in the custody of the Central Hospital and it is not known how the concerned workman got it in his custody. It will also appear that the serial number of Form B Register, C.M.P.F. number and date of Joining are written in different ink the ink used in filling up other entries. It is however true that the proforma bears the signature of the Manager. Similarly Ext. W-2 is in respect of Jaleswar Rout and in this also there is some erasing and subsequent writing in the column of age and it was also issued only a few months prior to the date of retirement. Ext. W-3 is in respect of Smt. Jagia Mahatin and it was also issued about a month prior to the date of her retirement. The serial number of Form B register is correctly mentioned in all these forms. It is not understandable as to how the age was recorded in these forms. The Manager MW-2 has come to say that the concerned workmen surreptitiously got the entries made in such forms giving incorrect year of birth and on that basis they have filed several cases. He has stated that it had come to their knowledge that in some cases wrong age was filled up by the patient on such forms and they have filed cases and after it was detected instruction has been issued that the age must be filled up by the Form 'B' Clerk. According to him entries in these forms were made at the instance of the concerned workmen themselves and they do not represent the correct age as mentioned in Form B register. He has also stated that these entries were not filled up by the Clerk of the management. The over-writing in the column of age is admitted by WW-1 also.

11. To add to this, it will appear that none of the concerned workmen who claim that they were retired before attaining the age of 60 years have come to the witness box to speak about their age or about their thumb impression on the Form B register. No reason has been assigned as to why none of these concerned workmen whose age is disputed has not come to Court to say that their age was wrongly recorded in Form B register. No document or any chit of paper has been filed by them in support of their age. An adverse inference in the circumstances has to be drawn against the concerned workmen and on the basis of entries in Form B register and evidence of the Manager, no reliance can be placed on these three proformas Ext. W-1 to W-3 none of which even bear the signature of any of the concerned workman. It appears that somehow or other the concerned workmen got these documents prepared and took advantage of wrong entry purposely made in them and raised an industrial dispute regarding their superannuation. There is also no evidence nor any paper of the Central Hospital to show that these workmen were ever treated there.

12. Considering these, I hold that the concerned workmen were retired in accordance with law after attaining the age of 60 years and they were not retired earlier than their attaining the age of superannuation. In the circumstances they are not entitled to any relief.

13. The award is given accordingly.

J. N. SINGH, Presiding Officer.
[No. I-19012(30)/81-D.IVB]

Annexure to the Joint petition of the parties dated 28th April, 1983 in the matter of Reference No. 20 of 1981 Central Government Industrial Tribunal No. 3, Dhanbad.

List as stated in para (a) of the terms of settlement

Name	Serial No. of the order of reference	Amount of con- solidated sum in respect of the work- man named.
1	2	3
Shri Sudhir Kr. Dutta	1.	Rs.543
.. Debdas Roy	2.	Rs.429
.. B.D. Chattaraj	3.	Rs.429
.. Tapan Bhandary	4.	Rs.429
.. Monoranjan Roy	5.	Rs.1246
.. Dilip Kr. Maji	6.	Rs.429
.. Mongal Mawna	7.	Rs.1540
.. Magaram Chakravarty	8.	Rs.888
.. Purna Banerjee	9.	Rs.1036
.. Dasudev Mukherjee	10.	Rs.764
.. Dharamdas Chattaraj	11.	Rs.626
.. Ranjit Kr. Das	12.	Rs.1056
.. Bagalnpada Mukherjee	13.	Rs.620
.. Krishna Prasad	14.	Rs.1479
.. Pranab Mukherjee	15.	Rs.848
.. Dharamdas Chatterjee	16.	Rs.629
.. Ashok Chakravarty	17.	Rs.629
.. Bangsibadan Mahate	18.	Rs.638
.. Fatik Ganguly	19.	Rs.880
.. Arun Mahato	20.	Rs.636
.. Kanailal Maji	21.	Rs.1487
.. Raghunath Nauka	22.	Rs.1457
.. Lahhan Swin	23.	Rs.1487
.. Uday Swin	24.	Rs.1487
.. Swapani Banerjee	25.	Rs.629
.. Dilip Chattaraj	26.	Rs.637
.. Samar Chatterjee	27.	Rs.643
.. D.N. Mishra	28.	Rs.648
.. Naresh Tewari	29.	Rs.1228
.. Sunil Kr. Tewari	30.	Rs.629
.. Tulsi Pandey	31.	Rs.423
.. K.B. Pathak	32.	Rs.1479
.. H.C. Khosla	33.	Rs.1062
.. Nandalal Corni	34.	Rs.1541
.. Rabin Das	35.	Rs.628
.. A.K. Mishra	36.	Rs.639
.. Manigopal Maji	37.	Rs.629
.. B. Jha	38.	Rs.2579
.. R.S. Panday	39.	Rs.629
.. Purnananda Gha	40.	Rs.636
.. Malay Bose	41.	Rs.546
.. Ananga Ghosh	42.	Rs.644
.. Kanailal Chakravarty	43.	Rs.664
.. Akhil Bhattacharjee	44.	Rs.1753
.. Ranjit Mukherjee	45.	Rs.1712

1	2	3	1	2	3
.. Sudhir Dutta	46.	Rs.1793	3. Ajansie Bhuria		1
.. Sarbjit Giri	47.	Rs.1192	4. Basant Dusad		1
.. Ranjiwan Singh	48.	Rs.646	5. Banti Bauri		2
.. Nayan Chatterjee	49.	Rs.225	6. Babu Majhi		26
		Rs.46,461	7. Bhupati Bauri		12

For and behalf of the workman For and behalf of the employers
sd/-
Illegible

S.O. 2475.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Jaykaynagar Colliery, Jaykay Nagar Sub-Area of Eastern Coalfields Limited, and their workmen, which was received by the Central Government on the 16th May, 1983.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA

Reference No 57 of 1980

PARTIES :

Employers in relation to the management of Jaykay Nagar Colliery under Eastern Coalfields Limited.

AND

Their Workmen.

PRESENT :

Mr. M. P. Singh.—Presiding Officer.

APPEARANCES :

On behalf of Employers.Mr. P. P. Ginwala, Counsel, with Mr. M. N. Kar, Advocate, & Mr. P. L. Ojha, Sr. Personnel Officer.

On behalf of Workmen.—Mr. S. K. Saha Roy, Advocate with R. K. Ghosal, Advocate.

STATE : West Bengal INDUSTRY : Coal

AWARD

The Government of India, Ministry of Labour by their Order No. 1-19011/3/79-D. IV(B) dated 14th July 1980 sent the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Jaykay Nagar Colliery, Jaykay Nagar, Sub area of Eastern Coalfields Limited, Post Office Raniganj, District Burdwan :

(a) by not entering the names of the workers (as per list in the Annexure) in the casual list and

(b) by not regularising the Sweepers . . . is justified ? If not, to what relief are the concerned workmen entitled ?

ANNEXURE

Sl. No.	Name	Atten- dance in 1973	3
1	2	3	3
1.	Assti Bhuria	2	
2.	Akul Dass	1	

3. Ajansie Bhuria		1
4. Basant Dusad		1
5. Banti Bauri		2
6. Babu Majhi		26
7. Bhupati Bauri		12
8. Bansari Dass		1
9. Banka Dass		3
10. Bhuta Majhi		18
11. Bital Bhuria		1
12. Chattu Majhi		3
13. Chanchala		3
14. Chanchali Bauri		13
15. Chari Bauri		1
16. Chabi Mejhan		1
17. Kustam Bhuiya		1
18. Chanulia Bhuiya		4
19. Chablie Majhan		1
20. Fagoo Bhuiya		1
21. Ful Chand Bhuiya		1
22. Gartu Thokurain		1
23. Gobinda Majhi		12
24. Ganga Bhuiya		1
25. Jamene Bhuiya		1
26. Jamene Kamin		2
27. Jagabasir Bhuiya		4
28. Kandan Majhi		1
29. Kalu Bhuiya		2
30. Kedar Bhuiya		2
31. Kamli Muchi		1
32. Lekhan Majhi		1
33. Lachan Bhuiya		1
34. Lekhan Dass		2
35. Mangla Muchi		3
36. Manik Bauri		3
37. Magar Bauri		4
38. Mangrata Majhan		4
39. Maho Bhuiya		4
40. Mahabir Bhuiya		10
41. Mahendra Bhuiya		1
42. Madan Dass		1
43. Nisan Bauri		4
44. Nepali Bhuiya		1
45. Prafulla Bhuiya		3
46. Pana Bhuiya		27
47. Pacia Bhuiya		6
48. Punnit Bhuiya		1
49. Parmeswar Bhuiya		4
50. Raban Majhi		1
51. Rabi Bouri		1
52. Ram Sakhia Bhuiya		1
53. Ritan Bhuiya		1
54. Surmi Majhan		16
55. Surundia Bauri		7
56. Subhadia Bauri		16
57. Satan Majhi		1

Sl. No.	Name	Attendance in 1973	Sl. No.	Name	Attendance in 1973
58.	Sanjoli Mejhan	1	114.	Bandhu Shanw	8
59.	Sajani Muchi	1	115.	Basant Bauri	6
60.	Santi Bauri	3	116.	Bhola Kera	13
61.	Arjun Thakur	5	117.	Banka Dhuiya	2
62.	Asho Bhuiya	4	118.	Baldeo Pandit	1
63.	Ajno Jadab	32	119.	Bachu Ram	6
64.	Akloo Jadab	38	120.	Bhuneswar Modi	8
65.	Ajho Tanti	3	121.	Baijnath Bhuiya	20
66.	Arjun Paswan	22	122.	Basant Jadav	5
67.	Ambika Choudhury	7	123.	Baldeo Koiri	23
68.	Ashoke Prasad	10	124.	Basdeo Jadab	13
69.	Arjun Jadab	1	125.	Brijnandan Rajbhar	1
70.	Arjun (2)	6	126.	Bandhu Paswan	10
71.	Ambud Deo	28½	127.	Badri Paswan	7
72.	Adalat Majhi	10	128.	Bissan Paswan (Ch)	1
73.	Adalat Mahato	3	129.	Bissan Paswan	15
74.	Anandi Paswan	31	130.	Barho Dhobi	3
75.	Albela Singh	8	131.	Bhikhari Jadav	15
76.	Asit Dass	2	132.	Baleswar Kewat	11
77.	Arjun Ram	10	133.	Badari	1
78.	Asrafi Jadab	17	134.	Banshi Kewat	9
79.	Bachu Pandey	11	135.	Basista Shaw	22
80.	Basmoti Bauri	1	136.	Binda Roy	8
81.	Bali Bauri	2	137.	Bholanath Dass	25
82.	Basdeo Sharma (Ch.)	14	138.	Bhuti Bauri	2
83.	Bhola Gope	1	139.	Baban Prasad	32
84.	Baleswar Kewat	13	140.	Babulal Kora	16
85.	Bharat Kora (Ch.)	44	141.	Bissundeo Mistry	12
86.	Banshi Bhuiya	2	142.	Basdeo Jadav	33
87.	Biskarma Pandey	15	143.	Basista Mahato	6
88.	Bachan Pandit	5	144.	Bideshi Monda	10
89.	Banshi Bhuiya	29	145.	Bhola Choudhury	18
90.	Babulall Jadab	4	146.	Bhaso Bind	7
91.	Bisandeo Bhagat	20	147.	Chattu Ahir	38
92.	Bhutan Jadav	28	148.	Choudhury Routh	2
93.	Belo Ram	2	149.	Charitra Thakur	17
94.	Bahadur Ram	5	150.	Chatu Kora	8
95.	Baiju Jadav	34	151.	Charka Kora	14
96.	Brhmdeo Ram	26	152.	Charpan Gope	44
97.	Bhaso Bhuiya	7	153.	Chandeswari Mistry (1)	16½
98.	Bhagwandin Pandit	6	154.	Chandeswar Mistry (2)	23
99.	Basdeo Bind	4	155.	Chandeo Paswan	1
100.	Bhusi Jadav	8	156.	Chandeswar Choudhury	11
101.	Birinchi Jadab	18	157.	Chandrama Shaw	4
102.	Bissandeo Mistry	10	158.	Chaitra Paswan	1
103.	Benarshi Paswan	6	159.	Chanda Majhi	5
104.	Bhola Pandit	25	160.	Chandrika	4
105.	Bolmer Gope	1	161.	Dinanath Mahato	28
106.	Birinchi Paswan	30	162.	Dharmadeo Choudhury	20
107.	Bhuneswar Paswan	22	163.	Daso Bhuiya	8
108.	Bissandeo Paswan	31	164.	Dwarika Sharma	1
109.	Bachu Shaw	28½	165.	Deochand Harijan	2
110.	Bachu Tiwari	12	166.	Dasarath Jadab	36
111.	Bhola Singh	5	167.	Dhari Paswan	27
112.	Baidyanath Dutta	12	168.	Dudh Nath Shaw	24
113.	Bijoli Jadab	6			

Sl.No.	Name	Attendance in 1973	Sl. No.	Name	Attendance in 1973
169.	Dasarath Bhuiya	38	224.	Jagadish Pandey	1
170.	Damodar Bind	21	225.	Jay Choudhury	13
171.	Dudh Nandan Rajbhar	14	226.	Islam Mia	284
172.	Dip Narayan	1	227.	Iswar Majhi	2
173.	Dukhan Jadab	32	228.	Kishan Choudhury	38
174.	Dwarika Bhuiya	7	229.	Kaleswar Bhuiya	8
175.	Deo Sharan Bind	23	230.	Kapildeo Paswan	16
176.	Dasarath Rajbhar	2	231.	Kamal Kishor Paswan	10
177.	Ejahar Mia	41	232.	Kailash Dhobi	27
178.	Ful Md.	16	233.	Kesari Gope	22
179.	Guhi Ram Bauri	1	234.	Kapura Bauri	1
180.	Guleo Gope	33	235.	Kesari Kurmi	36
181.	Giridhari Rajbhar	21	236.	Kesho Jadav	2
182.	Gobordhan Mahato	28	237.	Kailoo Paswan	19
183.	Gangadhar Kundu	16	238.	Kanjilal Kurmi	31
184.	Ghamandi Das	5	239.	Kameswar Paswan	24
185.	Hulash Bind	16	240.	Kishun Paswan	29
186.	Hari Das Muchi	87	241.	Kamal Paswan	3
187.	Hukum Paswan	2	242.	Kahan Majhi	2
188.	Haji Tanti	10	243.	Kalo Majhi	3
189.	Hansuddin Mia	24	244.	Kalimuddin Mia	4
190.	Harihar Bind	3	245.	Kishan Chaudhury	10
191.	Habu Bauri	3	246.	Kailo Majhi	2
192.	Haripado Dutta	1	247.	Kalicharan Kewat	12
193.	Hemraj Kewat	39	248.	Kapildeo Thakur	1
194.	Haricharan Bajbhar	28	249.	Kalo Majhi	2
195.	Haru Tanti	2	250.	Kaleswar Bind	11
196.	Hari Naryan Rajbhar	2	251.	Kaleswar Paswan	1
197.	Jagodish Jadav	6	252.	Lakhan Routh	1
198.	Jamuna Bhuiya	32	253.	Lakhan Majhi	44
199.	Jagadish Kora		254.	Lallan Mahato	26
200.	Jageswar Gope		255.	Lakhan Bhuiya	30
201.	Jagadish Manda (Ch.)		256.	Lochani Bind	24
202.	Jamuna Shaw	36	257.	Lallan Jadav	1
203.	Jamsuddin Mia (Ch.)	5	258.	Lakhan Bind	7
204.	Javekdeo Pal	1	259.	Maloti Majhan	9
205.	Jadu Gope	11	260.	Mohendra Pandey (1)	1
206.	Jagadish Bhuiya	2	261.	Mohendra Pandey(2)	19
207.	Jawhir Mahato	11	262.	Muni Majhi	17
208.	Jabad Mia	2	263.	Mohendra Koiri	37
209.	Jogindra Bind	18	264.	Munshi Rajbhar	3
210.	Jogan Mahato	30	265.	Madan Mistry	11
211.	Jugal Kurmi	24	266.	Madugi Bhuiya	19
212.	Jagal Jadab	5	267.	Mujad Rajbhar	2
213.	Jabeswar Gope	1	268.	Mahobir Dhobi	4
214.	Jagdish Kewat	23	269.	Mahadeb Paswan	1
215.	Jamuna Shaw	2	270.	Mohendra Kosi	2
216.	Jabasan Gope	20	271.	Maloti Mejhan (Ch.)	7
217.	Jalim Paswan	26	272.	M. Isak	2
218.	Jugal Paswan	25	273.	Mothura Bhuiya	24
219.	Jarjis Mia	61	274.	Manik Routh	17
220.	Jaleswar Gope	1	275.	Mister Bind	35
221.	Jaimul Mia	18	276.	Motuki Bhuiya	13
222.	Jodolali Mela	6	277.	Munshi Jadab	9
223.	Jago Bhuiya	6			

1	2	3	1	2	3
278.	Mohan Jadab	28	333.	Ram Rup Pandey	2
279.	Moti Jadav	20	334.	Ram Rup Pandey	10
280.	Mohan Kohar	16	335.	Ram Kripal Lall	2
281.	Mothura Dhuriya	4	336.	Reba Kewat	3
282.	Makru Bind	10½	337.	Rajkumar Pasbi	10
283.	Mangan Kewat	20	338.	Raban Majhi	2
284.	Mahadeo Paswan	1	339.	Ramasray Mahato	22
285.	Mangal Kewat	9	340.	Ragho Paswan	1
286.	Munilal Kewat	23	341.	Raj Kokil Mahato	16
287.	Mohim Khan	1	342.	Ramji Shaw	30
288.	Mohender Jadav	27	343.	Ramani Majhan (Ch.)	5
289.	Muneswar Kewat	46	344.	Ram Naresh Paswan	6
290.	Manu Jadab	7	345.	Ramkoti Chamar	29
291.	Madan Paswan	2	346.	Ramkripal Choudhury	1
292.	Misir Thakur	1	347.	Ramatar Sah	8
293.	Misir Pandit	2	348.	Ragho Bind	1
294.	Mohendra Thakur(a)	19	349.	Rup Narayan Ram	19
295.	Mohendra Thakur(2)	6	350.	Ramaeswar Thakur	35
296.	Naresh Thakur	1	351.	Ramdayal Chamar	17
297.	Memat Bhuiya	16	352.	Raj Kumar Paswan	24
298.	Nankoo Bhuiya	6	353.	Ram Rup Sharma	2
299.	Nankoo Bind	3	354.	Rajendra Paswan	18
300.	Nunu Lall Modi	5	355.	Rajendra Thakur	13
301.	Nagine Rajbar	35	356.	Ramatar Dusad (Ch.)	4
302.	Nitai Mehato	15	357.	Ramju Shaw	26
303.	Nayan Kora	15	358.	Ramju Kewat	36
304.	Narayan Kora	7	359.	Rohan Kewat	23
305.	Nand Lall Bind	10	360.	Ram Naresh	7
306.	Paneswsar Gope	11	361.	Ram Nandan Kewat	2
307.	Panulall Hella	9	362.	Ramju Shaw	22½
308.	Pariaq Routh	1	363.	Ramju Gope	37
309.	Prabhunath Dusad	10	364.	Ram Chijao Choudhury	16
310.	Pairoo Bhuiya	7	365.	Ram Rup Kewat	16
311.	Panchoo Kora	33	366.	Ram Chabita Paswan	7
312.	Punit Mistry	12	367.	Ramju Bhagat	7
313.	Paresh Rajbhar	32	368.	Ramatar Mondal	6
314.	Prasadi Thakur	6	369.	Ramdas Jadab	39
315.	Pandeo Mahato	45	370.	Ram Nandan Kewat	25
316.	Potale Bouri	6	371.	Ramje Shaw	10
317.	Raban Majhi	38	372.	Rup Nandan Singh	2
318.	Rajeswar Paswan	8	373.	Ram Nandan Singh	13
319.	Rajkripal Mahato	15	374.	Ram Sarup Chamar	1
320.	Ram Chandra Mahato	25	375.	Sumi Mejhan	
321.	Ram Bilash Sahani	1	376.	Suraj Choudhury	1
322.	Ram Kripal Choudhury	35	377.	Santoo Jadav	1
323.	Ram Belash Das	1	378.	Suresh Ram	23
324.	Ramasis Bhuiya	38	379.	Sankar Bhuiya	3
325.	Ram-Bali Moude	4	380.	Sitaram Bhuiya	2
326.	Ram Bahadur Chamer	20	381.	Sukdeo Gope	34
327.	Ram Pokhar Bind	24	382.	Sitaram Thakur	5
328.	Ramasray Thakur	20	383.	Saodass Paswan	3
329.	Ram Sarup Bind	37	384.	Sib Sohoy Paswan	7
330.	Ramasis Bhuiya	4	385.	Sitaram Paswan	32
331.	Ramatar Pasbi	6	386.	Santan Majhi	8
332.	Ram Binch	1	387.	Sunil Karmakar	1

1	2	3	1	2	3
388.	Sijati Mejhan	5	443.	Basho Dhobi	11
389.	Sumi Mejhan	10	444.	Bhukhal Bind	6
390.	Sarif Paswan	30	445.	Basho Muchi	8
391.	Satya Narayn Sah	32	446.	Bachu Pandit	4
392.	Sakti Pada Chatterjee	35	447.	Bachu Tewari	32½
393.	Sitabi Ram	22	448.	Bhuneswar Paswan	1
394.	Sib Shankar Kanu	20	449.	Baldeo Gope	1
395.	Sukar Nani Mejhan	6	450.	Ball Ram Pal	6
396.	Singeswar Prasad	6	451.	Bhojal Jadab	1
397.	Shyamdeo Rajbhar	43	452.	Baldeo Mahto	2
398.	Sitaram Pasi	38	453.	Bhikari Kore	5
399.	Saudagar Bind	3	454.	Bhagan Jadab	1
400.	Sripati Rajbhar	2	455.	Budhu Bind	5
401.	Santoo Ram	13	456.	Bairagi Jadab	17
402.	Sagir Mia	7	457.	Barlo Dhobi	4
403.	Sarju Kewat	7	458.	Badri Paswan	5
404.	Seosharan Kewat	46	459.	Bhagaloo Mahto	1
405.	Suklall Mahato	35	460.	Bolla Kwat	3
406.	Shyamlal Majhi	8	461.	Bharat Rajbhar	1
407.	Sudarsan Nonia	14	462.	Bnawari Paswan	4
408.	Sunia Bind	5	463.	Bhuklal Bind	2
409.	Saudagar Paswan	13	464.	Bansi Singh	2
410.	Sahadeo Choudhury	3	465.	Bhuneswar Jadab	18
411.	Shambhu Prasad	7	466.	Chijeo Choudhury	1
412.	Shyamapada Gope	7	467.	Chattu Choudhury	1
413.	Srikrishan Pandey	8	468.	Champan Gope	5
414.	Shambhu Shaw	3½	469.	Deloo Pandit	2
415.	Seo Bechan Kahar	15	470.	Dinanath Mahato	1
416.	Seo Sebak Dubey	6	471.	Daroge Mahato	39
417.	Sitaram Mjahi	9	472.	Dhamna Raj Paswan	4
418.	Sitaram Majhi (Ch.)	6	473.	Darsan Ram	8
419.	Thaman Bhuiya	5	474.	Dudhnath Upadhyaya	1
420.	Tapas Chatterjee	1	475.	FulMd.	10
421.	Thakuri Gope	30	476.	Fakir Mandal	5
422.	Thakur Kora	9	477.	Goohi Ram Bouri	2
423.	Tulusi Bella	3	478.	Gope Paswan	3
424.	Tanik Bind	25	479.	Gendi Bauri	1
425.	Tota Bhuiya	16	480.	Gulraj Mahato	1
426.	Umesh Kumar Sinha	4	481.	Cobardhan Mahato	1
427.	Upendra Bhuiya	42	482.	Ganesh Das	1
428.	Umesh Routh	25	483.	Harihar Paswan	1
429.	Uttam Chatterjee	1	484.	Hari Jadab	2
	Bissan Bhagat	4	485.	Jadav Panchi	4
431.	Baldeo Pandit	10	486.	Jobasan Gope	19
432.	Babulal Jadab	5	487.	Jhalu Bauri	2
433.	Rameswar Pashi	9	488.	Jawhar Mahato	6
434.	Sitabi Bhuiya	4	489.	Jagadish Bind	7
435.	Ajit Dass	1	490.	Jayram	1
436.	Ambika Jadab	1	491.	Jethu Sha	2
437.	Abadha Bahari	4	492.	Jayanarayan Mistry	3
438.	Bhole Kora	1	493.	Kishan Paswan	1
439.	Biswanath Das	2	494.	Kailash Dhobi	11
440.	Baldeo Sah	8	495.	Kamaladeo Choudhury	1
441.	Babulal Jadab	3	496.	Keshori Jadab	2
442.	Basant Jadav	1			

1	2	3
497.	Kesari Gope	4
498.	Khamam Paswan	3
499.	Kamaleswar Paswan	1
500.	Kamal Ahir	1
501.	Krish Nandan Mahato	4
502.	Kishan Jadab	1
503.	Lakhan Bhuiya	5
504.	Lagdeo Paswan	4
505.	Latan Bouri	2
506.	Moter Choudhury	14 1/2
507.	Msu Sind	1
508.	Munsi Rajbhar	2
509.	Mohan Jadab	1
510.	Muni Rajbhar	2
511.	Miser Thakur	27
512.	Mohendra Jadeb	15
513.	Madhusudan Paswan	23
514.	Misir Pandit	1
515.	Mahabir Dhobi	1
516.	Majoo Bouri	22
517.	Mahabir Choudhury	2
518.	Malla Rajbhar	4
519.	Narayan Jadab	3
520.	Naresn Paswan	2
521.	Manboo Sah	2
522.	Narayan Kora	6
523.	Prithibi Pal	19
524.	Poinhi Jadab	1
525.	Panduk Mahato	17
526.	Parameswar	7
527.	Puran Pal	1
528.	Prabu Shaw	1
529.	Pran Chand Mahato—	1
530.	Ramasray Mahato	12
531.	Ram Sabak Paswan	3
532.	Ram Sarup	1
533.	Ram Rup Singh	1
534.	Ram Bechan Pandit	6
535.	Ram Rup Pandey	4
536.	Ram Naresn Paswan	7
537.	Ramasis S Bhuiya	15
538.	Bakhari Dass	1
539.	Ramayan Choudhury	21
540.	Radha Kewat	1
541.	Ram Lall Pandey	5
542.	Rameswar Ranki	2
543.	Rameswar Kewat	13
544.	Ranje Pal	4
545.	Rumantar Pandey	7
546.	Ram Bachan	3
547.	S.N. Sharma	28/1/2
548.	Sochi Nandan Dasak	2
549.	Soo Shankar Kewat	2
550.	Sanjhala Mujhi	1
551.	Salai Pal *	10
552.	Seo Sankar Kanu	2

1	2	3
553.	Samar Das	1
554.	Sicnath Sah	3
555.	Singeswar Mahato	7
556.	Sidheswar Pd. Jha	1
557.	Sib Shankar Monia	1
558.	Shyam Narayan Mahato	1
559.	Satya Narayan Choudhury	2
560.	Sristol Paswan	1
561.	Sudarsan Prasad	5
562.	Sudarsan Mahato	1
563.	Sunil Muchi	1
564.	Sadhan Das	1
565.	Sharman Sharma (Ch.)	3
566.	Santilal Ram	2
567.	Solkudeo Prasad	2
568.	Siyamapadu Gope	5
569.	Thakuri	3
570.	Tribhuban Kora	1"

2. So far as the first part of the issue is concerned, it is misconceived. It was framed under misconception. The names of the concerned workmen already stand included in the casual list prepared by the Management on the basis of terms no. 6 of the bipartite settlement dated 29th January, 1974 (Ext. M-1) made between the sponsoring union and the management. The names of all the 1017 persons including the concerned workmen have been included in the list. Against each worker the number of days for which he worked in 1973 has been mentioned. Even if a person worked for one day his name has been included in the casual list. The management thus carried out the agreement. The frank fact that this casual list was prepared is no disputed by the union. Out of the said 1017 persons 447 persons have already been absorbed in permanent vacancies. A copy of the list aforesaid was handed over to the union and hence no dispute in this regard was existing and therefore the reference is wholly misconceived. MW-1 R. P. Jaiswal has deposed that a list of 1017 persons was prepared as per provision in paragraph 6 of the settlement (Ext. M-1) and that on the date of signing the agreement 101 casual workers were actually working. The list in respect of those 101 persons is Ext. M-2. 346 casual workers were taken as required by the colliery the list Ext. M-3. The remaining 570 persons could not be absorbed. However, the main fact stands that their names are mentioned in the casual list.

3. The contention of the Union is that the said 570 casual workmen should be put in regular employment on permanent basis. That is the prayer in their written statement. WW-1 G. P. Goswami working as a surveyor in JK colliery is the Vice-President of the Mazdoor Sabha. He has also deposed that under the second paragraph of clause 6 of the bipartite settlement (Ext. M-1) it has been agreed that persons already working in the colliery will be declared permanent as per requirement after scientific study. During argument also much stress was put by the union on clauses 6 and 27 of Ext. M-1. Clause 6 runs as under :

"It has been agreed that when any further casual worker is required over and above the existing force for Jaykaynagar Unit of Jaykaynagar Colliery, persons already worked in 1973 in the category in Jaykaynagar Unit will be given preference for working in casual cadre on the basis of more attendance. First preference, list of such workers showing attendance ~~not~~ in by each of them during the calendar year 1973 will be prepared and pasted on the Notice Board and copy will be handed over to the Union.

It has also been agreed that persons already working in the colliery will be declared permanent as per requirement after scientific study."

Clause 27 runs as below :

"It was agreed that persons working in permanent vacancy will be taken on permanent roll. Those who are working in leave vacancies/Badlies, will continue as Casual/Badi. In case of vacancies of permanent nature, the first preference will go to the existing Casual/Badi workers."

On the basis of the above it is submitted that the 570 persons should be have been made permanent. But the difficulty is that it is not the reference whether the 570 persons should be made permanent. Reference is only regarding listing of names in casual list. The union points out that the management appointed persons from outside but did not take any of the 570 casual workers (vide W-2 S. Sinha also). There has been differences between the parties as regards the number of persons brought from outside. But that is immaterial for the purposes of this case. Admittedly some persons from outside were appointed in J. K. Nagar Colliery but the management has explained it through the mouth of MW-1 R. P. Jaiswal, the then Industrial Relations Officer of Ratibali Sub-area. He says in his deposition :

'The persons transferred from other colliery to this may be for technical reasons. Besides this a good number of workers were transferred to J. K. Nagar colliery from other collieries which closed down. If I remember correctly it was due to exhaustion of the seam that the colliery was closed. Transfer to J. K. Nagar colliery was an alternative to the retrenchment these workers might have faced after the closure of those collieries. A list has been prepared of the persons who were transferred from other collieries to J. K. Nagar colliery after the agreement was signed. This is the list showing the persons who were transferred from other colliery to J. K. Nagar colliery. This list includes the persons who were appointed as per provisions of different rehabilitation and other schemes. (The list containing 19 sheets are collectively marked Ext. M-4). (Shown pages 17 to 19 of the list). The persons at Sl. No 710 to 825 are the names of employees who have been appointed under different schemes, such as employment of dependents of the employees who met with fatal accidents, appointment of the dependents of the employees suffering with incurable diseases, dependents of the female employees who offered to retire voluntarily and providing employment under land losers scheme wherein lands of certain persons were taken by the company for mining purposes, etc. These are the copies of five schemes which I have mentioned (marked Ext. M-5). One more provision is there under National Coal Wage Agreement II for providing employment to the dependents of employees who lose their services due to medical disablement. Under this scheme also certain employment were given.'

In the above circumstances I do not think that the management has done anything wrong. Sri Ginwala appearing for the management has rightly submitted that persons from outside were taken either to avoid retrenchment or unemployment in the various collieries of the ECL in the event of closure and it was also done in accordance with the five schemes of the management and there is no question of violation of clauses 6 and 27 of the settlement, Ext. M-1.

4. Sri Ginwala next argued that issue No. 1 of the reference relates only to 'not entering the names of the concerned 570 workers in the casual list' and it is not for asking them permanent. Here also he is right. The Tribunal is not competent to go behind the reference : See Pottery Mazdoor Panchayat Vs. P. P. Co. Ltd, 1983 I L.J. 232(SC). The union however contended that the reference should be read along with clauses 6 and 27 of the settlement (Ext M-1) and also with Section 10(4) of the Industrial Disputes Act, 1947. In the present case the terms of reference are plain and unambiguous. There is no difficulty in understanding it. Interpretation or construction does not mean substitution of one set of words for another. The difference between casual workman and permanent workman is great. It is not thin. It is of substance. Where the issue is for entering the names in casual list, it can never be read as an

issue for giving them permanent employment. The union next submitted that the matter regarding permanency was merely incident to the main issue of entering the names in the casual list. I do not agree. A thing is incidental to another if it merely appertains to something else as primary. Can we here say that entering names in casual list is primary and making them permanent is incidental to the same ? The clear answer is 'No'. The contention is, therefore, rejected. The first part of the issue thus, has to be decided against the Union.

5. With regard to the second part of the issue the case of the union is that the services of 11 sweepers have not been regularised. The case of the management on the other hand is that J. K. Nagar Colliery prior to its nationalisation was the property owned by M/s. Aluminium Corporation of India and because of its situation in the close proximity of the Aluminium Factory of the said company, the company had one common set of sweepers for sweeping jobs and garbage cleaning of their factory Colony and miners colony, that the said Aluminium Factory had been locked out, closed by the said company from September 73, but since its reopening after being taken over by the Govt. of India (Bharat Aluminium Corporation—Korba), all the said sweepers who had been working in the aforesaid colonies have been absorbed by the factory for exclusive works in the factory's colony and that since such absorption of the said sweepers by the factory the management has been getting the sweeping work and garbage cleaning work of the miners' colony done by some contractors. Their names were not disclosed in the written statement of the Union dated 29-8-80. They were disclosed in their rejoinder dated 1-12-80 when objection was raised by the management. Their names do not appear in B form registers (Ext. M-8). MW-1 has said in his evidence that none of them is working in the J. K. Nagar colliery and that the sweeping was done through the contractors. His evidence is supported by documentary evidence—work orders 52 in numbers (collectively marked Ext M-6) issued to the contractors as and when required. Payment was made on the basis of the measurement. The measurement and Bill Book is Ext. M-7. MW-1 has supported the case of the management as made out in their written statement. WW-1 G. P. Goswami no doubt has deposed that common sweepers were not working in colliery colony and factory colony but he admitted that sweepers were getting wages from J. K. Nagar factory even after nationalisation, though in the next breath he said he did not remember it. His evidence is not impressive and is not convincing. I do not act upon it. Similar is the evidence of WW-2 S. Sinha who has deposed in cross-examination that the hazri of the sweepers were taken in the factory but they actually worked in the colliery. He has further said that the factory closed in the year 1973 and the work of the sweepers came to an end. The evidence of this witness also is not straightforward. On the other hand the evidence of MW-1 is consistent and is supported by a large number of documents. I believe him. I accordingly find truth in that case of the management. I hold that the union has not been able to prove that the 11 sweepers are in the employment of the colliery. There is, therefore, no question of the regularisation.

6. In the result, my concluded award is that the action of the management of Jaykay Nagar Colliery of Eastern Coalfields Limited by not regularising the sweepers is justified. My further award is that the first point of the issue relating to the action of the management by not entering the names of the 570 persons in the casual list is misconceived inasmuch as their names were in fact entered therein and that no such dispute ever existed.

Dated Calcutta.
The 4th May, 1983.

M. P. SINGH, Presiding Officer.
[No. L-19011(3)'79-D IV B.1
S. S. PRASHER, Desk Officer.

New Delhi, the 18th May, 1983

S.O. 2476.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Management of

the Calcutta Port Trust, Calcutta and their workmen, which was received by the Central Government on 12th May, 1983.

[No. L-32011/280.D.IV(A)]

A. K. SAHAMANDAL, Desk Officer

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL:
CALCUTTA**

Reference No. 3 of 1981

PARTIES:

Employers in relation to the management of Calcutta Port Trust, Calcutta

AND

Their Workmen

APPEARANCES:

On behalf of Employers—Mr. D. K. Mukherjee Industrial Relations Officer.

On behalf of Workmen—Mr. S. Das, Secretary of the Union.

STATE : West Bengal

INDUSTRY : Port

AWARD

By Order No. L-32011/2/80-D. IV(a) dated 19 December 1980 the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication:

'Whether the management of Calcutta Port Trust, Calcutta are justified in making deduction from the Wages of Marine Personnel who performed duties on board the vessels during the strike period from 17th November, 1978 to 28th November, 1978? If not, what relief are the concerned workmen entitled?"

2. A preliminary point has been raised by the management of the Calcutta Port Trust that the reference is not maintainable because (i) it is vague and (ii) because no industrial dispute could be raised on the basis of the so-called complaint dated 9 February 1979 made by the Union to the Assistant Labour Commissioner (Central), Calcutta during the conciliation proceedings. The short facts are these, The marine personnel went on strike from 17 November 1978 to 28th November, 1978 (vide Ext. M-1). The union raised an industrial dispute by a letter dated 25 January 1979 with the Assistant Labour Commissioner (C), Calcutta alleging that the management wrongfully deducted wages for the strike period from the salary bills of the Marine personnel. Conciliation proceedings were held on several dates. Ultimately by letter dated 9 May 1979 the ALC wrote to the Secretary to the Government of India, Ministry of Labour, Delhi: "As the General Secretary made another complaint with full details of the workmen and the same is being dealt with separately, the present dispute has been closed with his consent". Thus the dispute raised by the union by letter dated 25 January 1979 ended on 9 May 1979 with the consent of the Union.

3. During the pendency of the above conciliation proceeding the union made a complaint dated 9 February 1979 to the Chairman of the Calcutta Port Trust with a copy to the ALC(C), Calcutta alleging violation of Section 33 of the Industrial Disputes Act, 1947. On this complaint, show cause notice was sent to the CPT who denied the allegations. But the ALC(C) Calcutta made spot investigation and pursued the show cause notice. He treated the complaint as dispute, held conciliation proceeding and finally submitted failure report dated 2 January 1980. Thereafter the present reference has been made. It is not understandable as to for what purpose he made spot investigation. He was not competent to say whether there was actual strike or not. His duty was to bring amicable settlement between the parties for the purpose of industrial peace and not to become a judge.

4. I will first deal with the ground of vagueness. It is well settled that an industrial dispute must be certain and definite. In the terms of reference there is no indication as to who performed duties on board the vessel during the

strike period. In the written statement of the union filed on 20 April 1981 also no persons have been named who performed duties during the period of strike. It is rather stated that the marine personnel of all three units, viz., Deck unit, Engine room unit and Saloon unit were not absent during the period of strike and that there was no complaint against them. The written statement of the Union nowhere states as to who performed duties and what duties during the relevant period. Everything is left in vague. It is, therefore, obvious that even if the terms of reference are read with the written statement of the union it is not made clear as to who performed duties during the period of strike and what was the nature of duty actually done by them. In the letter Annexure 'A' dated 18 January 1979 to their written statement addressed to the Chairman of the CPT, the General Secretary of the union merely stated that the Marine crew and staff had their own distinctive features compared to the other workmen of the CPT and that they had to remain on duty for the purposes of maintenance and protection of property and hence they should be paid their wages. This letter does not say as to who performed duties and in what manner during the period of strike (from 17-11-78 to 28-11-78). Mere presence on board the vessel and doing something for themselves e.g. cooking etc. cannot be characterised as performance of duty. To be present there was natural. Simly physical presence at duty place without doing duty is nothing. Even in the letter dated 25 January 1979 (Annexure B) through which the union raised the industrial dispute before the ALC(C), Calcutta nothing is said as to who performed duties and in what manner. This letter is on the same line as Annexure A abovementioned. The only assertion is that for the purpose of security and maintenance they did not leave the post and so they were entitled to wages. The union takes shelter by using words like "Maintenance" "protection of property" and "security". For the first time Sri N. D. Gupta, the General Secretary enclosed a list of some of the wage-cut victims, not of all, in his letter dated 9 February, 1979 (annexure C) to the ALC(C), Calcutta complaining violation of Section 33(1) of the Industrial Disputes Act, 1947. There was nothing new in this letter except that some names of the wage-cut employees were disclosed after a long time. It may be noticed that the strike was in November 1978 but for several months no names were disclosed and even in February 1979, only some names were disclosed stating that there were others also whose wages had been deducted. Surprisingly enough the ALC(C), Calcutta treated this letter as a fresh dispute although there was no fresh fact and he thus kept it in his file in February 1979 two disputes for the same fact, that is deduction of wages on account of strike. He ended the first dispute on 9 May 1979 but pursued the subsequent one reasons best known to him. He submitted failure report on 2 January 1980 which is Annexure E to the written statement of the union. From a resume of the facts stated above it is clear that the union was never definite and certain about issued as to who performed duties and in what manner during the period of strike (17-11-78 to 28-11-78).

5. On the other hand the definite case of the CPT is that the calcutta Port Shramik Union having substantial followers in the Marine Department, the strike was successful only in the Marine Department. The marine crew did not report for duty and those of the marine crew, who had already been on board the vessel declared themselves as strikers. The Calcutta Port Shramik Union also claimed and described these marine crew as "Striking Workers" in all its correspondences with the Board. Most of the vessels remained tied up either in morning or in docks throughout the period of strike, i.e. 17-11-1978 to 28-11-1978. The marine crew present on board the vessel did not perform their normal duties. They did not allow the vessels to be used for port operations. In the event of a grave danger to a vessel, which was running short of water for her boilers, the marine crew refused to shift her to receive the supply of boiler water. The Bhandaries, who are to cook food for the ratings on board the vessel, did not cook the food. The Cook also did not cook any food for the officers. The position was same in respect of the vessels lying in river moorings during this period. For safety of CPT vessels, namely Dredger 'Bhagirathi' & 'Mahaganga', Pilot vessel 'Sagar' and River Survey Vessel 'Anusandhani' which were lying in the river moorings during this period the Director Marine Department, under his letter No. 3770/6/78/15 dated 27-11-1978 made an appeal to the General Secretary, Calcutta Port Shramik Union. The General Secretary Calcutta Port Shramik Union though sent a reply to this letter under his

letter No. C/25/77 dated 27-11-1978 but did not respond to this appeal. Since, however, free lodging and boarding and other living amenities are supplied to the crew on board the vessel, some of the striking marine crew cooked their own food and stayed on the vessel. They maintained the steam pressure for obtaining some personal services, such as, supply of light, fan, water and cooking facilities. In fine, the only work performed by the striking marine crew was to run the hotel services for their own living comforts on board the vessel. This however did not serve any of the operational requirements of the Port. It may be mentioned here that it is nowhere the case of the union that the marine personnel did any operational work of the Port. The CPT has pointed out that the Marine personnel had specified duties. Lists of such duties were submitted by the Board to the Wage Board for port and dock workers at Major Ports as set up by the Government of India in the Ministry of Labour and Employment by their Resolution No. B-21(4)/64 dated 13-11-1964. Same and similar list of duties were also submitted to the Wage Revision Committee set up by the Government of India in the Ministry of Shipping and Transport by their Resolution No. PLO/94/74 dated 11-1-2/1964 to enquire into and recommend as to what revision is necessary in the existing wage structure of the employees, other than Class I and Class II officers in the Major Ports of Bombay, Calcutta, Madras, Visakhapatnam, Cochin, Marmugao, Kandla and Paradip. These lists contain the description of jobs, which constitute the usual duties and work of the respective categories. The Board submits that during the period from 17-11-1978 to 28-11-1978 the marine crew did not perform any of the duties enumerated in these lists. Not only that, they refused to undertake emergency measures in grave situation and did render no service towards the security and maintenance of the vessels. The marine crew during these days established themselves on board the vessels and ran the hotel service for their own living comforts and looked for their own security and maintenance. They have mentioned those duties in Annexure R of their written statement. To call mere physical presence, without doing those duties, would simply be poppy-cock.

6. After considering the relevant facts and the submissions advanced by the parties I am of the opinion that the reference is vague and uncertain and that the case of the union is equally vague and indefinite. There is no reliable material on record to show as to who actually performed duties and in what manner during the period of strike (17-11-78 to 28-11-78) and, therefore, no relief can be given to the workmen concerned.

7. In the view which I have taken it is not necessary to decide the second preliminary point raised by Sri D. K. Mukherjee appearing for the Management. His second point is that the letter of the union dated 9 February 1979 addressed to the AIC(C), Calcutta during the pendency of the conciliation proceeding complaining violation of Section 33(1) of the Industrial Disputes Act could not in law be converted into an industrial dispute when there was no new fact and when the first dispute came to an end with the consent of the union. It is therefore not necessary to discuss the decision in Machinery Manufacturers Corporation Ltd. v. The State of West Bengal, 1982 Vol. 44 Indian Factories & Labour Reports, page 304 which has been cited by Sri Mukherjee in support of his second contention.

8. Apropos, my concluded opinion is that the reference suffers from vagueness and it must be rejected as such. The concerned workmen are not entitled to any relief.

This is my award.

Dated, Calcutta, the 2nd May 1983.

M. P. SINGH, Presiding Officer.

[No. L-32011/2/80 D IV(A)]
A. K. SAHAMANDAL, Desk Officer

New Delhi, the 27th May, 1983

Kuju, Distt. Hazaribagh and their workman, which was received by the Central Government on 20-5-83.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

PRESENT :

Shri J. P. Singh, Presiding Officer.

Reference No. 38 of 1982

In the matter of an industrial dispute under S. 10(1) (d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Pindra colliery of M/s. Central Coalfields Limited and their workmen.

APPEARANCES :

On behalf of the employer—Shri R.S. Murthy, Advocate.
On behalf of the workmen—Shri B. Joshi, Advocate.

STATE : Bihar

Industry : Coal

Dhanbad, 16th May, 1983

AWARD

This is an industrial dispute under S.10 of the I.D. Act, 1947. The Central Government by its order No. L. 24012(1)/82-D.IV(B) dated the 15th April, 1982 has referred this dispute to this Tribunal for adjudication on the following terms:

SCHEDULE

"Whether the action of the management of Pindra colliery of Central Coalfields Limited, Post office Kuju, District Hazaribagh in dismissing Shri Yakub Mia from service is justified? If not, to what relief is the workman entitled?"

2. The concerned workman Shri Yakub Mia was dismissed and this has led to the present reference. This concerned workman and 4 other workers S/Shri Saifuddin Mia, Wazid Mia, Qaum Ansari and Ajit Mohammed, all piece rated workers entered the room of the miners' time keeper of the colliery on 14-7-78 at about 4.30 P.M. They wrongfully confined Shri A. N. Paul, overman, and Shri Sureshwar Tewari, Munshi demanding false booking of fall back wages in their names. Shri Paul refused to do so and so they assaulted him and threatened with dire consequences. On a complaint by Shri A. N. Paul, overman, a charge sheet was drawn up against the concerned workman and four others, and they were asked to explain their conduct. In their show cause these workmen admitted that they were rightly demanding fall back wages and desired entry in the books of the colliery to that effect, and they also admitted that there was a commotion on account of refusal of Shri Paul to make entry in respect of fall back wages. But they contended that none of them had assaulted Shri A. N. Paul nor they threatened him with dire consequences. The management being not satisfied with the show cause offered by these 5 workmen, instituted a domestic enquiry and entrusted the same to Shri Haridwar Singh, Sr. Personnel Officer, West Bokaro Group of Collieries, Kuju. On completion of the enquiry in which these 5 persons participated the enquiry officer submitted a report holding all the 5 persons guilty of the charge framed against them. The report of the enquiry officer was considered by the Project officer/Agent, Topa, Pindra colliery who was the competent authority under the Standing Orders to final decision in the matter. He accepted the finding of the enquiry officer, but found some distinguishing features between the case of Shri Yakub Mia and the rest four. In his opinion Shri Yakub Mia was liable to be dismissed from service and he recommended four others to be given lighter punishment. The decision of the Project Officer was put up before the Sub-Area Manager, Kuju Group. He also agreed with the decision of the Project Officer. The Project Officer thereafter issued order on 9-12-78 dismissing Shri Yakub Mia from service w.e.f. 11-12-78. The rest four who had also been suspended along with Shri

Yakub Mia were reinstated and they were not paid their wages for the period of their suspension.

3. On the prayer of the management relating to the propriety and fairness of the domestic enquiry there was a preliminary hearing. A separate order was passed by this Tribunal holding the domestic enquiry to be fair and proper. At that time the enquiry officer was examined. The enquiry papers including the chargesheet, show cause and the evidence of witnesses are Exts. M1 to M14. The report of the enquiry officer is Ext. M15. The report of the enquiry was first considered by Shri P. N. Singh, Colliery manager in his note, Ext. M16. The note sheet of Shri M. P. Verma, Project Officer is Ext. M16/2 and Ext. M16/3 is the note of Shri S. Bhattacharjee, General Manager, Hazaribagh Area. The next note Ext. M16/4 is by Shri S. N. Jha, Sub-Area Manager of West Bokaro Group of collieries. Another note by Shri M. P. Verma is Ext. M16/5. The order of punishment given to Shri Yakub Mia is Ext. M17. The other 4 letters of punishment issued to the rest four are Exts. M17/1 to M17/4. According to the management the order of dismissal is justified.

4. The case disclosed by the concerned workman in his written statement is that the management of the colliery could not provide sufficient number of working faces at 'C' seam mining district of Pindra colliery during the months of June and July, 1978. The result was that the piece rated workers including the concerned workman and the 4 others could not earn their minimum wages. The mine officials in order to hide out their inefficiency and negligence threw blames on the workers and avoided to pay fall back wages. On 14-7-78 the management found it difficult to engage the workmen in 'C' seam district and directed the loaders to work in 'B' seam district. The concerned workman Shri Yakub Mia and the 4 others reported to the overman, Shri A. N. Paul, incharge of 'B' seam district in pursuance of the order of the local management. The workmen's case is that 'C' seam district was being worked with the aid of explosives and the coal obtained after blasting used to be loaded into tubs by the loaders. The concerned along with other loaders used to be engaged in loading coal only 'B' seam district was being worked partly with the aid of explosives and partly by pick mining. It is the contention of the workman that a working face operated by the pick miners has no elasticity to engage new hands because output per pick mining face remains more or less constant according to its size. There is, however, little bit of elasticity in accommodating few new hands in faces operated with the aid of explosives by putting longer drill holes and charging more explosives or engaging extra round of blasting. Thereby more coal could be obtained giving scope for engagement of more loaders to lift the extra coal blasted. The concerned workman has asserted that on 14-7-78 when Shri A. N. Paul, overman of 'B' seam district could not employ the loaders of 'C' seam in his district because he was already having more number of miners and loaders than he could deploy. He could not also arrange to drill longer drill holes. He also failed to arrange one extra round of blasting at the face. To such face a situation and to avoid his own responsibility, Shri. Paul asked the loaders of 'C' seam including the concerned workman to work as miner at the pick face. These workmen were not provided with picks to cut coal from the face because it was not possible for Shri A. N. Paul to provide work to the loaders of 'C' seam. The loaders including the concerned workman requested Shri Paul to permit them to work at the working face operated with the aid of blasting and to carry on their normal duties of loading blasted coal into tubs. Shri Paul outright rejected their request and turned them out of the mine on the pretext or another after four hours of stay underground. It is in this background that the concerned workman along with other loaders wanted to be given fall back wages and Shri A. N. Paul the overman refused to oblige them. I have already said that the concerned workman has admitted that they protested and there was some commotion and intervention by some persons but it has been denied that the concerned workman and 4 others charged had not assaulted Shri A. N. Paul.

5. The management in paragraph 5 of its rejoinder has accepted that there was a roof fall in 'C' seam district on 13-7-78 and therefore it was not possible to carry on any work in that district. It was therefore, necessary to divert workers from 'C' seam district to 'B' seam district and as a result 20 loaders from 'C' seam were diverted to 'B' seam dis-

trict in the first shift of 14-7-78. The colliery manager advised Shri A. N. Paul, overman on duty at the first shift to provide blasted coal in 'B' seam district to 11 workers and pick coal for the remaining 9 workers. The concerned workman Shri Yakub Mia was one of the piece rated workers who was directed by Shri Paul, overman to do pick mining work in 'B' seam district. According to the management there were ample faces even for pick mining in 'B' seam district so that the workmen were given sufficient opportunity to earn their wages. It was denied that the local management in order to conceal their own inefficiency and negligence is not providing the loaders of 'C' seam district working faces, adopted a pretext of offering pick mining faces to them and deprive them of their legitimate wages.

6. In this case the charge is common. The first charge is that on 14-7-78 at about 4.30 P.M. these 5 chargesheeted workmen wrongfully confined S/Shri A. N. Paul, overman and Sureshwar Tewari munshi. The second charge is that these 5 persons assaulted Shri Paul, overman. The contention on behalf of the workmen in that Shri Sureshwar Tewari and even Shri A. N. Paul in their evidence have not said that they were wrongfully confined by these 5 workmen. The wrongful confinement is a substantive charge and since no evidence has been led on this point, it cannot be said that the charge of wrongful confinement has been established.

7. It is no doubt true that pressure was being exercised by these 5 workmen that they should be given fall back wages because they had no work for more than 4 hours without proper allotment of work. In this connection it appears to be an admitted position that on 14-7-78 in the first shift a number of 20 miners and loaders from 'C' seam district were asked to report in 'B' seam for work. It is also an admitted position that in 'C' seam the production of coal is by blasting method and the loaders were required to load the blasted coal. In 'B' seam production of coal used to be done by both the methods i.e. by blasting and also cutting of coal by pick axe. It is an admitted position that 11 of the loaders of 'C' seam were allotted faces where blasting process was in use. 9 loaders by order of the manager of 'B' seam were allotted a face where coal used to be cut by pick axe. These 9 persons had not got pick axe while going to duty. This is admitted by Shri A. N. Paul, overman and 'he Munshi', Sureshwar Tewari, as well as mining sugar Shri Gayani Mistry. Before going underground their attendance had been marked. Shri A. N. Paul overman in his evidence has said that the manager had asked him to deploy 20 loaders into 'B' seam. He had told the manager that already ample loaders were deployed in 'B' seam and asked the manager's instructions as to how he should do the deployment. Shri Paul however, deployed all the 20 men as directed by the manager. The above evidence would go to show that firstly more hands were deployed in 'B' seam and secondly, the 9 persons including the 5 chargesheeted workmen were required to cut coal, but no instrument was available with them. It has been contended that the objection was taken by all the 9 persons on the ground that they were not provided with pick axes because while working in 'C' seam they were not required to use pick-axe. In such a situation the management could have provided them with pick axes and taken full compliment of work or they should have been put on the side of blasting where they could have loaded the coal to earn their piece rate. The evidence of Shri Gayani Mistry and Sureshwar Tewari is that instead of cutting coal what they did was to load the coal which had been blasted in the previous shift and they wanted the same to be entered in their names. We are not very much concerned with this aspect of the case, because the main question is as to whether Shri A. N. Paul and Shri Sureshwar Tewari had been wrongfully confined and Shri A. N. Paul was assaulted. Such a story as presented by the management is to justify the refusal of Shri A. N. Paul to allow them fall back wages. It may be mentioned that Shri Sureshwar Tewari had written in the register the quantity of coal loaded by them and had recommended to give them fall back wages. This he says was done by him due to pressure exercised by the 5 chargesheeted workmen. But Shri A. N. Paul has himself said that he was refusing to give fall back wages because it was not within his powers. Shri Sureshwar Tewari has also said that the fall back wages has to be sanctioned by the manager. It is apparent that instead of arguing with these workmen about fall back wages, Shri A. N. Paul and Shri Sureshwar Tewari should have assured them that their case would be put up before the manager for consideration. It is apparent that the confusion arose because they took adamant attitude and made the position worst for themselves.

8. Now let us consider whether the concerned workman did assault Shri A. N. Paul for which he has been charged. The enquiry officer appears to think that the concerned workman, Shri Yakub Mia was the leader of the group as he was doing all the talking. The evidence of Shri Paul is that while he was writing refusal in the register Shri Yakub Mia caught his hand and put his hand on the neck. It was thereafter that the rest 4 assaulted him with fist and slabs. Shri Lewari who was present in the same room has said in his cross-examination that he did not see any assault being given on the person of Shri A. N. Paul. A plain reading of the evidence of the witnesses will go to show that although there was a commotion, the case of assault is a subsequent development which had been introduced in the chargesheet. It is expected that Shri A. N. Paul should have reported the matter in writing to the manager and that report would have given the correct position of the occurrence. The report has been withheld from this enquiry, moreover, before the charge sheet there appears to have been some preliminary enquiry which had been withheld by the management as evidence in this case. The enquiry officer, however, held all the 5 guilty of the charge and recommended punishment. He held Shri Yakub Mia as an inciter of this occurrence.

9. Now let us consider whether the punishment of dismissal inflicted on the concerned workman could be justified. The case of all these 5 workmen had been considered by the higher management as evidenced by the note sheets referred to above. It is said that all the 5 guilty workmen were given the chance to apologise for their action. This has come out in the evidence of MW-2 Shri P. N. Singh. He has said that Shri Yakub Mia did not apologise while the rest 4 apologised. I may point out here that in the written statement of the management the positive case is because the case against Shri Yakub Mia was distinguishable he was given the punishment of dismissal, and the rest were given lighter punishment. The facts elicited at the time of evidence before the enquiry officer is otherwise. The evidence goes to show that the actual assault was done by the other 4 guilty workmen who were reinstated by the management. The evidence against Shri Yakub Mia is that while Shri A. N. Paul, overman was writing out his report of refusal in the register Shri Yakub Mia caught hold of him. All we can say on the basis of this evidence is that he wanted Shri A. N. Paul to desist from writing out an adverse report. This cannot amount to assault. On behalf of

the workmen it has been contended that none of the guilty persons were asked to apologise. WW-1 Sarluddin, one of the chargesheeted workman has said that he and the other who were reinstated were never required by the management to apologise for the acts done by them. We may repeat that the case of apology is neither in the written statement of the management nor in the rejoinder of the management. So this case has been introduced for the first time in the evidence in this court. Shri B. Joshi Advocate for the workman has argued that Shri Yakub Mia as been given exemplary punishment because he happened to be the leader of the group and demanded fall back wages for all the charge-sheeted workman.

9. There is another aspect of the case which we cannot lose sight of. It is apparent that the workmen who did really assault were reinstated and Shri Yakub Mia who did not inflict any physical injury on the person of Shri A. N. Paul was dismissed. Now even admitting that he took part in the assault, his case should not have been discriminated from the other guilty workman. As it is the others were not allowed wages for the suspension period and the concerned workman was dismissed. The law does not permit such a discrimination on the part of the management even if it may be a fact that Shri Yakub Mia did not apologise as desired by the management.

10. Thus having considered all aspects of the case, I hold that the action of the management of Pindia colliery of M/s. Central Coalfields Limited, Post Office Kuja, District Hazaribagh in dismissing Shri Yakub Mia from service is not justified. Shri Yakub Mia should be reinstated and deemed to be in continuous service as if no dismissal order was passed against him. The period of suspension will be treated to be in service and like other 4 workmen who were found guilty, he will not be paid any wages for the period of suspension. Consequently, Shri Yakub Mia will be entitled to all the back wages and other emoluments admissible to him.

This is my award.

J. P. SINGH, Presiding Officer,
Central Government Industrial Tribunal (No. 2),
[No. L-24012(1)82-D-IV(B)]
S. S. PRASHER, Desk Officer